

The Mentor

THE NEWSLETTER OF THE STATE BAR OF MICHIGAN'S
MASTER LAWYERS SECTION



"The voice of trust through experience."

Fall 2014

FROM THE CHAIR

After a successful Annual Summer Conference at the Doherty Hotel in August in Clare we are looking forward to September. We hope that you will be attending the State Bar's Annual meeting in Grand Gallery Overlook E, DeVos Place, Grand Rapids, September 17-19. We are looking for volunteers to host the section's table in the Exhibit Hall. If you can help, please email Masterlawyer@mail.michbar.org. The section's Annual meeting will be on Friday, the 19th at 9:00 AM. At that time we will be electing a new chair and several council members.

The officers thank all of those members and staff who helped in the transition of the section from Senior Lawyers to Master Lawyers. We have made some strides forward, but there is still much to do. Because of the age and years of practice of our members, our goal is to help you transition into the Golden Years.

With this thought of transitioning, we hope that you will consider attending the annual meeting program beginning at 9:30 for a presentation from the Practice Management Resource Center of the State Bar on "Planning Ahead: A Succession Roadmap." This session will provide you with the information required to implement a succession plan and a handbook which is a suggested guide on how to wind down a practice as you retire or when unfortunate circumstances keep you from doing it yourself.

This officer's two years as chair has been a very rewarding experience. For someone who had not been involved with the Bar on the state level until five years ago, there was quite a learning curve which included learning who was who on the staff, how the state bar worked, meeting and getting to know many section members and having a good time doing it. There was a lot of work involved which I won't miss. If and when I get to heaven I hope that I will not have to write anymore section briefs, agendas or e-blasts. During my term, the section's liaisons, Dawn Evans, Kari Thrush and Amy Castner were fantastic in what they could produce and do to make me look good. This chair thanks her council members and committee members for all of their hard work, for their support and particularly either calling in or personally attending monthly council meetings. We always had a quorum. Thank you so much.



Mary Ellen Crusoe Byrne

Table of Contents

Letter from the Editor	2
Mentoring in the Real World	3
Get Ready for Pro Bono Month!	5
Health and Wellness in the "Senior Years"	6
Master Lawyers Section Summer Conference	8
Member News.....	9

—Mary Ellen Crusoe Byrne, Chair

2013-2014

MASTER LAWYERS SECTION
SECTION COUNCIL

CHAIR

Mary Ellen Crusoe Byrne
15591 Upper Birch Dr
Traverse City, MI 49686-8337
P: (231) 223-4193
F: (231) 223-4572
E: mecb@acegroup.cc

CHAIR-ELECT

J. David Kerr, Mt Pleasant

SECRETARY

Miles C. Gerberding, Frankfort

TREASURER

Cynthia L. Johnson, Detroit

COUNCIL MEMBERS

Term Expires 9/30/2014

H. Rollin Allen, Mt Clemens
Alfred E. Gade, Bloomfield Hills
Kathleen Williams Newell, Detroit

Term Expires 9/30/2015

Jerome D. Frank,
Farmington Hills
Ronald D. Keefe, Marquette
Richard J. Ruhala, Flint

Term Expires 9/30/2016

Richard F. Fellrath, Troy
James H. Loree, Northvill
George S. Lilly,
Grosse Pointe Woods

NEWSLETTER EDITOR

Roberta M. Gubbins, Mason
(734) 255-9119

The Mentor is published by
the Master Lawyers Section
of the State Bar of Michigan,
306 Townsend Street,
Lansing, Michigan
48933-2012.

The views expressed in this
newsletter do not necessarily
reflect those of the publisher.
Send correspondence and
material for publication to:

Roberta M. Gubbins
rmgubbins@hotmail.com

Letter from the Editor

Welcome to our second edition of *The Mentor*.
We are glad you dropped by.

In this issue, we have articles on Mentoring by
Larry Katz, Getting ready for Pro Bono Month by
Robert Mathis, a message from our Section Chair,
Mary Ellen Crusoe Byrne, a discussion of Health and
Wellness in the "Senior Years" by Tish Vincent, and
pictures from our Summer Conference.

Our issue now has a Members Section, where you
can read of the adventures of your fellow members.
Please consider sending your news to me ([rmgubbins@
hotmail.com](mailto:rmgubbins@hotmail.com)) so you can be included in our next edi-
tion.

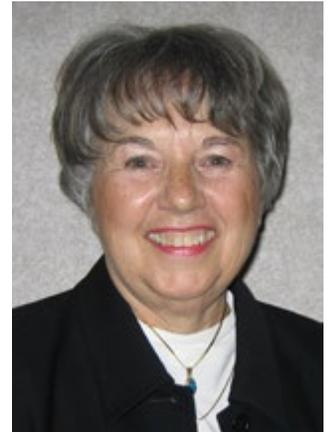
I encourage you to read them all.

If you have a desire to contribute, remember that we are looking for articles.
Many in our group are retiring from the law, moving to a new space in life, tak-
ing up new experiences, using their skills honed from years of practice to benefit
others in a different way or traveling to explore new lands. Our readers would
like to hear from you.

Best,

Roberta

P.S. Techie stuff. Please submit your articles in MS Word. Stories should be not
more than 1000 words. Send pictures as separate attachments in jpeg format
and in full size--thumbnails are too small.



Roberta M. Gubbins, Editor

New Member Directory Mobile App

Do you need to locate information about a State Bar member and all you have
handy is your smartphone?

Download the new SBM Directory App and you'll have everything you need
at your fingertips. Our new mobile directory includes direct access to the SBM
online member directory, a directory of Michigan and U.S. legislators, and links to
the latest digital issues of the Michigan Bar Journal, e-Journal, and SBMBlog. The
app also has a text alert feature allowing members to sign up for member alerts,
dues notice information, special event news, and e-Journal alerts (get the holding
and a link to the full text of major court decisions within hours of the decision).

Download the new app for your [iPhone](#) or [Android](#) device by searching in
iTunes or GooglePlay for State Bar of Michigan. The app is also available for
the iPad.

Mentoring in the Real World

By Lawrence S. Katz

Let me begin by stating the obvious – we need mentors. Mentoring is a time-honored tradition. And the Masters Section can play a useful role in sharing the benefit of its experience with a new generation of women and men entering the legal profession. However, if mentoring is about imparting knowledge about how the real world works and helping others to solve practical problems, it is equally important that legal mentors know something about the real world of their mentees. Further, if acquiring the skills to become a practicing lawyer is a journey, we should be familiar with that path and where we stand alongside of it. If we choose to play a role, we should be fully aware of the roles others are playing.

Legal mentors should know not only what's going on in conference rooms and courthouses, but what's happening in the world of their mentees. We have evolved on our way to becoming “masters,” but the world has changed right along with us. Law schools did not emphasize practice skills when we went to law school, and, for the most part, they still don't.

The academy has been firm that its primary mission is scholarship, not apprenticeship. Clinical programs have developed since we finished law school, but they remain, by and large, electives. Most new law graduates are still thoroughly unprepared for the practice of law, and the learning curve for newly-minted attorneys remains steep.



Lawrence S. Katz

And other things have changed, in some respects for the worse. Most of us graduated with little or no student debt. Starting pay was low, but jobs were out there. We usually worked for practicing attorneys who had a financial interest in helping us learn. Today, even casual readers of popular media know about the dwindling opportunities available for young lawyers. Law schools have been in the national news and all over the web



regarding the fierce competition for a declining pool of J.D. candidates (per the *ABA Journal* and *Wall Street Journal*, applications are down 37% since 2010 and the next incoming class will be the smallest in 40 years), pressures on administrators to find ways to rise in the *U.S. News and World Report* annual rankings, declining revenues despite rising tuition, often-misleading placement information which caused the American Bar Association to impose rules on law schools requiring accurate disclosure of hiring and employment statistics, and angry young lawyers blowing up the internet about their plight – six figure loan obligations, and few job prospects or practical job skills to enable them to pay those loans back. Many have joined the ranks of the unemployed. Worse, others have run the risks of hanging out a shingle.

If we choose to play a role, we should be fully aware of the roles others are playing.

What does all this have to do with a Master Section mentoring program? Probably nothing if the program's purpose is just to provide a young law student or lawyer with someone to call during the challenging events that arise periodically. However, if the Master Section

intends to participate in any mentoring program under a formal or informal arrangement with any law school, and wishes to have some meaningful impact on the changing landscape of legal education, the program should be part of a broader curriculum change focused on clinical learning. Moreover, the Bar should endeavor to play an active role in helping address the realities facing law schools and law students today.

About the Author

Lawrence S. Katz is a criminal appellate attorney in West Bloomfield, Michigan. In March of this year, he was presented with the 2013 Barbara R. Levine Award in Recognition of Excellence in Appellate Advocacy by the Appellate Defender Commission. A dual citizen of the United States and Italy, he is a member of the National Italian American Bar Association and the Italian American Bar Association of Michigan. His publications, covering subjects of interest to lawyers and the general public, include a book, book chapters and a variety of magazines and journals, including the Michigan Bar Journal, Macomb Bar Briefs, the National Italian American Bar Association News, Primo Magazine, and Sports Collectors Digest.

He received his law degree from Wayne State University Law School in 1972.



Get Ready for Pro Bono Month!

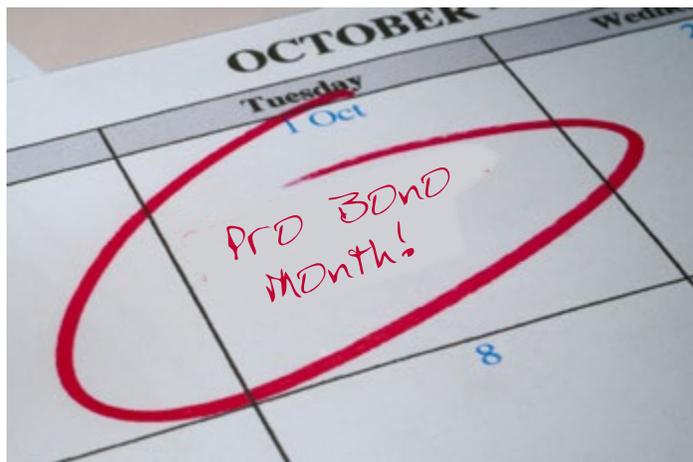
By Robert Mathis, JD, MPA

“No organization of lawyers can long survive which has not for its primary object the protection of the public.”

—Roberts P. Hudson, first president of the State Bar of Michigan

Michigan attorneys have a long tradition of responding to the needs of low-income people who cannot afford to pay for legal help in civil matters. And in Michigan, there is a tremendous amount of unmet legal need. More than one-third of Michigan’s population qualifies for legal aid, which equates to more than three million people. Since 2000, there has been an increase of more than 50 percent in the number of people in Michigan that qualify for legal aid for the poor, which includes about 40 percent of Michigan’s children. Unfortunately, due to a lack of resources, legal aid programs are forced to turn away more than half that request help. Striking is the reality that in Michigan, there is only one legal aid attorney for approximately every 21,000 low-income clients.

With a record number of Michigan residents unable to afford legal services, pro bono helps assure equal access to the justice system for all. Attorneys serve a key role in meeting the civil legal needs of poor people by help-



ing increase awareness of the need, volunteering with local legal aid providers to assure delivery systems are strong and attorneys are available to provide pro bono representation to Michigan’s poorest citizens, and making financial contributions to civil legal aid programs.

For the sixth year, in coordination with the American Bar Association’s Pro Bono Week, the State Bar of Michigan has designated October as Pro Bono Month. Please join us in celebrating Pro Bono Month by participating in a pro bono event during the month of October. Last year, there were more than 50 pro bono events throughout Michigan. Organizations planned legal advice clinics, provided training to pro bono lawyers, presented pro bono awards to volunteers, and published articles about pro bono service. You are encouraged to participate in a Pro Bono Month event. Pro Bono Month opportunities can be found by using the State Bar’s Pro Bono Manual, available at www.michbar.org. And, our Pro Bono Month website includes more information, suggestions for connecting with events, and links to talking points for Michigan’s **“Now more than ever—pro bono is more than just the right thing to do”** theme.

As a reminder, the State Bar’s Voluntary Pro Bono Standard sets an aspirational goal of providing representation without charge to a minimum of three individuals, providing a minimum of 30 hours of free legal



Robert Mathis

services, or contributing a minimum of \$300 (\$500 for those whose income allows) to a not-for-profit organization that delivers civil legal aid services. Contributions to the Access to Justice Fund are an excellent way to support pro bono in Michigan.

If you have any questions or would like additional information, please contact Robert Mathis, SBM pro bono service counsel, at (517) 346-6412 or RMathis@mail.michbar.org.

About the Author

Robert is pro bono service counsel for the State Bar of Michigan (SBM) and staff liaison to the SBM Pro Bono Initiative and the Standing Committee on Domestic Violence. He works directly with legal aid providers to coordinate state-wide initiatives and build pro bono relationships with law firms, corporations, law schools, and bar associations. Prior to joining the SBM staff, Robert was the managing attorney of Legal Services of South Central Michigan's Battle Creek office and a staff attorney for Elder Law of Michigan's Legal Hotline for Michigan Seniors program.

Robert graduated cum laude from the College of Charleston. He earned his juris doctor cum laude from the Western Michigan University Cooley Law School and a Master of Public Administration from Western Michigan University.

Health and Wellness in the “Senior Years”

By Tish Vincent

The day seemed like a long one. There were papers to write, phone calls to make, cases to read and I had been sitting at my desk for hours. I decided it was necessary to walk for fifteen minutes to wake up my brain. Upon rising from my chair I was surprised to feel a sharp pain in my left hip. I walked down the hall and back a few times waiting for this “kink” to smooth out. It didn't!

A memory started to surface. The year was 1969 and I was working as a cashier in the family grocery store, The Leland Mercantile. It was the summer after my graduation from high school and I was looking forward to going away to college. We wore heavy cotton aprons over our clothes. I was sitting in the butcher shop on a stool chatting with my uncle, the butcher, when my father walked into the back room, removed his apron and said to my uncle, “I'm going home, Oz, my back is hurting and I just can't get any relief.” My uncle told him to take care of himself and that everything would be taken care of in his absence.

Once my father was gone my uncle turned to me and said, “I've worked with your father for over twenty seven years and I have never known him to go home sick! This must be bad!” It was bad. My father wound up in the hospital for four weeks, had a pulmonary embolism and almost died. Limping along down the hall on my walk in present time I started calculating how old my father was in the summer of 1969.



Tish Vincent

Let me see, I was 18 and he was 45 when I was born. So, he was 63 when he went home from work with a bad back. How old am I? Hmmm, I am 63 years old. He seemed old to me when I was 18. I don't feel old now. Am I old?

Medical Care

Regular medical care and a personal relationship with a primary care physician are wise at any age but necessary as we pass age 60 and keep going. Our doctor is monitoring our bloodwork, our joints, our weight and our circumstances. It is our doctor we will turn to when that nagging symptom does not go away, whether is a sore hip or a depression that will not lift.

Maintaining a relationship with a primary care physician can be a bit of work. We have to schedule our check up, get our bloodwork, and take the time to make sure we get to the appointment. If we choose a peer as our primary care physician we may have to find a new one when our physician retires. This can take time and effort. Sometimes our new primary physician is the age of one of our children and having confidence in their medical opinion might take time. But we persevere.

Exercise

Regular exercise past the age of 60 makes a huge difference in how we feel, our energy level, and our sense of well-being. In my 30's and 40's I ran three miles a day to keep my figure lean and my energy up to raise kids and build a career. As I moved through my 50's I began to notice that a day with exercise felt more like a day in my 30's.

Our physician can usually recommend some exercise programs. The local YMCA or other health club will feature offerings for participants over age 50. I have taken yoga since turning 55 in a class that is limited to people over 55. We all comment to one another after class that we feel 15 years younger than before class started. I also walk and swim regularly.

Purpose

Human beings need a sense of purpose. We need to feel that we are contributing something of value. In those years when we are raising a family, building or maintaining a career we have a strong sense of purpose.

Representing people in their legal difficulties is important and respected work. Raising children, dealing with the challenges and triumphs gives a strong sense of purpose.

Where do we find a sense of purpose in our later years? Each of us must struggle with this question alone. If we remember what we found intrinsically motivating when we were young, before the families and careers entered the picture, we can find some clues to what will give us purpose now.

Growing up in Leland, Michigan my parents sent me to 4-H to learn to sew at the age of 9. I remember so clearly my feelings of delight at being given a measuring tape, a hem gauge, a pair of scissors to cut fabric and fabric for my first project. I loved that feeling then and I love that feeling now. I enjoy sewing. When I retire I plan to teach sewing in 4-H.

I have always enjoyed reading and still do. I enjoy creating with words and sharing what I have learned through my reading and studies with others. This creativity and my interest in communication give my life a sense of purpose now. I weave together my thoughts and share them with others hoping to inspire or model the sense of purpose flowing from my enjoyment.

The Rest of the Story

My doctor diagnosed the hip pain as secondary to twisting my leg while walking. He prescribed rest, elevation, and ice. I rested, watched movies and completed an ICLE webinar on Family Law over the weekend. I will hold off on the exercise until I'm more comfortable again. As I lay on the couch resting I thought of my father and felt a new kind of empathy for him. What was it like being laid up in the hospital for a month with an 18 year old leaving for college, and a 20-year old going back?

Stay healthy!

Master Lawyers Section Summer Conference

By Roberta M. Gubbins

The Doherty hotel in Clare, Michigan was the home to the Master Lawyers Section Summer Conference for weekend of August 8-10. The weather cooperated; we had great speakers and a lot of fun.

Mary Ellen Crusoe Byrne, Master Lawyers Section Chair welcomed the attendees Friday afternoon. She was followed by Charles M. Russman, Bodman PLC, who updated the group on Retirement Income and Benefits. How to save for retirement, social security, Medicare and its many parts explained, employment



Charles M. Russman,
Bodman PLC

retirement plans and retiree health benefits and the implications of the Affordable Care Act and COBRA were discussed. Friday evening ended with a welcome reception and a dinner at the Doherty Hotel Dining Room.

On Saturday, the morning began with a look at the opportunities for Master Lawyer's Section members to volunteer their services to those in need. The speakers were Amy Meilink, Directing Attorney, Legal Services of Eastern Michigan, William Jungerfeld, Legal Services of Eastern Michigan-Pro-Bono Attorney, Darling Garcia, Elder Law of Michigan and Robert Mathis, Pro-Bono Coordinator, State Bar of Michigan.



J. David Kerr,
Kerr Law Firm PLLC

Next up was J. David Kerr, Kerr Law Firm PLLC, who offered tips for Addressing Health Care Changes Affecting You and Your Clients. Kerr offered information on the



Amy Meilink, Directing Attorney, Legal Services of Eastern Michigan, William Jungerfeld, Legal Services of Eastern Michigan-Pro-Bono Attorney, Darling Garcia, Elder Law of Michigan and Robert Mathis, ProBono Coordinator, State Bar of Michigan.

efforts to rein in health care cost and the importance of discharge conferences from hospitals and nursing homes and the home care Medicare can provide.

Golfers used the afternoon to play golf while others enjoyed a delightful lunch at Ginkgo Tree Inn. The evening reception and dinner were held at the Quarry Grill at Buck's Run. Sunday a presentation on Transitioning to Working Less: Toward a Graceful Retirement by Ruthmarie Shea, Ruthmarie Shea, Esq., Tish Vincent, State Bar of Michigan Lawyers and Judges Assistance Program and Roberta M. Gubbins, Esq. The group left full of ideas and information while enjoying the camaraderie of old and new friends.



Ginkgo Tree Inn. Site of Saturday Luncheon

Member News

James A. Johnson of Southfield, an active member of the Michigan, Massachusetts and Texas Bars has published *O'Bannon - What is the Right of Publicity* in the September issue of the *New York State Bar Association Journal*. In addition, he has published *A Tool of Advocacy - Trial Brief* in the *Attorney at Law Magazine- Metro Detroit Edition*.

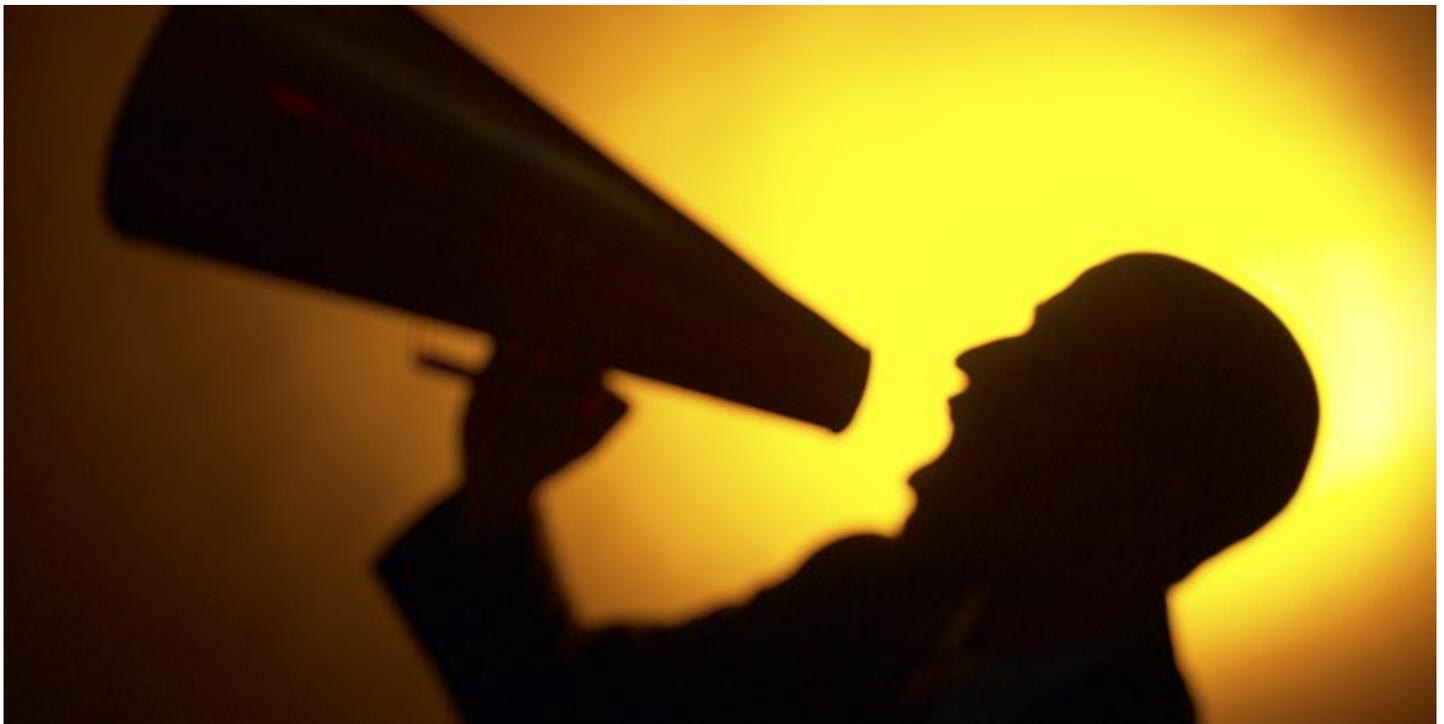
Kathleen Newell co-presented at the SBM volunteer program, the 'Living Trust Education Initiative: Who Should You Trust' on August 6, 2014. The host facility was 'American House' in Westland.

There was a very small group of seniors (12) at that location but "our presentation was well received and appreciated and our audience gave us 'many kudos' for it and the resources provided by Unauthorized Practice of Law Committee, Probate and Estate Planning Section and Elder Law and Disability Rights Section. It was truly a satisfying experience and provided me as an attorney with the opportunity to share in a common goal of the Bar and our MLS Section of protecting the public."

Mary Ellen Crusoe Byrne goes to Normandy

These days, many people talk about bucket lists when it comes to trips. The trip which has been on the top of my list for many, many years has been a visit to the Normandy beaches. This dream became a reality this past July. The itinerary included a hotel in Honfleur for six nights with two day trips to the beaches and visits to Mont-Saint-Michel and Monet's home and gardens in Giverny. It was a trip I will never forget. After returning home, one of the tour members sent the following link, which I found fascinating. We visited many of the places on the link but the interesting part is clicking in the middle of the picture and watch it change from then to now.

<http://www.theatlantic.com/infocus/2014/06/scenes-from-d-day-then-and-now/100752/>



Annual Business Meeting & Program

This event is offered in conjunction with the State Bar's Annual Meeting

Friday, September 19, 2014

9:00–11:15 a.m.

DeVos Place, Grand Rapids

Registration is requested to allow for proper facilities planning.
Visit the Bar's [Annual Meeting](#) page for more details.

Planning Ahead – A Succession Road Map

This session will provide you with the information required to implement a succession plan and the tools to help you do it.

The Practice Management Resource Center has developed a succession planning handbook for Michigan attorneys. This handbook will provide you with tools so that you, your staff, your family, other attorneys, judges, and clients can have predictability and calm in the event of personal crisis.

Speaker: *Diane Ebersole, State Bar of Michigan – Practice Management Resource Center, Lansing*