

Legal Affairs

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Mark the Date

MDTC 2018 Annual Meeting and Conference: Hot Coffee and Lost Trousers — What Every Defense Lawyer Should Know About the Law of Damages
May 10-11

Join defense trial colleagues as the Michigan Defense Trial Council presents its annual meeting from 12 p.m. Thursday, May 10 through 1 p.m. Friday, May 11 at Soaring Eagle Casino & Resort, 6800 Soaring Eagle Blvd. in Mt Pleasant. "Hot Coffee and Lost Trousers — What Every Defense Lawyer Should Know About the Law of Damages" will cover myriad topics including: Brain Injury, a Neuropsychologist's Point of View, Dr. Robin Hanks, ABPP, Wayne State University School of Medicine; Economic Damages in Complex Commercial Litigation — Lessons from Actual Cases, Patrick Anderson, Anderson Economic Group; Law of Damages — Appellate Panel Discussion, Hon. Douglas B. Shapiro and Hon. Brock A. Swartzle, Michigan Court of Appeals, and William L. Henn, Henn Lesperance PLC; Dealing with Damages Under Challenging Circumstances — Preventing Runaway Verdicts, Bryan Edelman, Ph.D, Trial Innovations, San Francisco; Damage Control: Using Surveillance and Social Media to Mitigate, Michael Huntsman, Cross Xamine Investigations and Daniel Klimek, Sherlock Investigations Inc.; How Judges See Damages in Court, Hon. Peter D. O'Connell, Michigan Court of Appeals, Hon. Joseph J. Farah, Genesee County 7th Circuit Court, and Hon. James S. Jamo, Ingham County 30th Circuit Court; and Damages 3 — A Panel Discussion Book Review on Lessons from the Other Side, Irene Bruce Hathaway, Miller Canfield Paddock & Stone PLC, Michael T. Miller, Smith Haughey Rice & Roegge, and Michael R. Janes, Janes Van Camp Moffatt & Selzer PC. A free Judicial/Vendor Reception will be held from 5-7 p.m. Thursday. Cost for the conference is \$295 for MDTC members, \$75 for associate members, and \$325 for non-members (group rates available). Register at www.mdtc.org. Registration fees include entrance to attend educational sessions; all other activities are extra.

Michigan Association for Justice 73rd Annual Convention
May 11-12

Join associates for this two-day event Friday, May 11 and Saturday, May 12 at The Westin Book Cadillac, 1114 Washington Blvd. in Detroit. Friday will highlight the Advocacy Track with Steven Gursten moderating. Topics will be: The Zen Lawyer — Embracing the Defense, Michael Leizerman, Ohio; Winning Trials Through Focus Groups, Ken Levinson, Illinois; How to Talk to Conservative Jurors, Paul Byrd, Arkansas; Cross-Examination of the Defense Medical Examiner — Turning the Tide, John Romano, Florida; Full Compensation for the Very Old and the Very Young, Jason Studinski, Wisconsin; and Winning Direct Examinations, Margaret Battersby Black, Illinois. Friday lunch will feature Public Justice, Arthur Bryant, and the opening party will start at 5 p.m. following a business meeting and happy hour. Saturday will highlight the Technology Track and the Employment Track simultaneously. MAJ Secretary Donna MacKenzie will moderate the Technology Track. The Employment Track program is still forming and will be moderated by MAJ President-Elect Debra Freid. The banquet will follow with Keynote Speaker Gretchen Whitmer, candidate for governor. MAJ Past President Michael Pitt will be honored as Champion of Justice; Justice Bridget Mary McCormack will be honored with the Judicial Excellence Award; and The Honorable Dick Skutt will be remembered with a special toast. The afternoon will be presented by the New Lawyers Division. Prices vary depending on membership status and which events attending. Register now at <https://www.michiganjustice.org/>.

DBA Debtor-Creditor Rights Section Inaugural Happy Hour Event: Alternatives for Distressed Companies
May 16

Join the Detroit Bar's Debtor-Creditor Rights Section for their inaugural happy hour event from 5-7 p.m. Wednesday, May 16 at The Whisky Parlor located above the Grand Trunk Pub, 612 Woodward Ave. in Detroit. There will be plenty of networking and also a short participatory discussion on "Alternatives for Distressed Companies" led by Debtor-Creditor Rights Section members. Presenters will be: William Blasses, Kerr, Russell and Weber, PLC; Marc Swanson, Miller, Canfield, Paddock and Stone, PLC; William Thompson, Varnum LLP; and Glenn Walter, Honigman Miller Schwartz and Cohn LLP. Event sponsors are: Honigman Miller Schwartz and Cohn LLP; Kerr, Russell and Weber, PLC; Miller, Canfield, Paddock and Stone, PLC; and Varnum LLP. The cost for this event is \$35 for members and \$40 for non-members (includes 2 drink tickets). Register at <https://www.detroitlawyer.org/>. For more information, contact Mary Kovari at mkovari@detroitlawyer.org.

Incorporated Society of Irish American Lawyers Annual Scholarship and Awards Dinner
May 17

Join ISIAL for music, drinks, dinner and to help celebrate their 40th anniversary at the Annual Scholarship and Awards Dinner. It will be held at 5:30 p.m. Thursday, May 17 at the Gem Theatre, 333 Madison St. in Detroit. The cost is \$95 for members (\$180 for couple), \$50 for members less than 5 years (\$90 for

couple), \$45 for law students, and \$110 for non-members. Seating is limited. **RSVP by May 11** at <https://irish-lawyers.org>.

Detroit Bar Association: Detroit Legal Services Clinic
May 22

The Detroit Legal Services Clinic provides information and advice from volunteer attorneys in the areas of: divorce, child support, domestic relations issues, expungements, self-representation, and general civil law. The clinic will be supervised by Dennis Donahue, the Detroit Bar Association Foundation Access to Justice Administrator. The clinic is from 12-3 p.m. Tuesday, May 22 at the Penobscot Building, 13th Floor, Smart Detroit Conference Rooms, 645 Griswold in Detroit. Volunteers may arrive at 11:30 a.m. for lunch. To volunteer, email Dennis Donahue at ddonahue@detroitlawyer.org. For more information, contact Mary Kovari at mkovari@detroitlawyer.org or (313) 961-6120, ext. 206.

Nemeth Law's Raising the Bar series offers 'Virtual Employment — Revisited'
May 23

Raising the Bar revisits the pros and cons of virtual employment from 8:30-11:45 a.m. Wednesday, May 23 at the Management Education Center, 811 West Square Lake Rd. in Troy. Raising the Bar is an educational series raising employer awareness of current issues in employment and labor law and is offered by Detroit-based Nemeth Law, P.C. As some employers now seek to rein in their work-from-home policies, the legality and practicality of virtual employment is in the spotlight again — and it's time for employers to take stock of their practices. Nemeth Law attorneys will discuss a variety of labor and employment law topics, including: when working from home works and when it doesn't; data security, confidentiality and privacy issues when working remotely; is telecommuting required as a reasonable accommodation for a disability; wage and hour issues of offsite work; "I injured myself while working in my own home, do I get workers comp for that?"; and best practices for implementing (and rescinding) work from home practices. The cost to attend is \$75 per person and includes a continental breakfast at 8:30 a.m. Pre-registration is requested. To register, e-mail Pamela Perkowski at ppekowski@nemethlawpc.com or call (313) 567-5921.

Michigan's 'New' Uniform Commercial Real Estate Receivership Act
May 23

Don't miss this featured event presented by the Debtor/Creditor Rights Committee of the Business Law Section of the State Bar of Michigan, the Bankruptcy Committee of the Federal Bar Association for the Eastern District of Michigan, and the Real Property Law Section of the State Bar of Michigan. It will be held from 3-6 p.m. Wednesday, May 23 at the offices of Jaffe Raitt Heuer & Weiss, P.C., 27777 Franklin Road, Suite 2500 in Southfield. Michael S. Leib of Leib ADR will moderate and speakers include the Hon. Phillip Sheffery, Chief Judge, United States Bankruptcy Court, Eastern District of Michigan; Honorable Christopher P. Yates, Business Court Judge, Kent County Circuit Court, State of Michigan; and Adam Behrendt, Bodman PLC. The cost is \$25, which includes a cocktail reception following the presentation. **Register by May 17** at fbamich.org to reserve a spot.

31st Annual Tax Conference: Master the Latest Tax Developments
May 24

Register now for the 31st Annual Tax Conference presented by the Taxation Section of the State Bar of Michigan in cooperation with the Institute of Continuing Legal Education. The conference will be held from 8 a.m.-6 p.m. Thursday, May 24 at The Inn at St. John's, 44045 Five Mile Rd. in Plymouth. Stay on top of evolving issues in tax law — from big changes on the national front to state and local developments. Get complete coverage of tax reform and in-depth analysis from experts at the top of their fields. New this year: an optional accounting and auditing session (perfect for accountants and lawyers alike) and updates directly from the state treasurer. Attendees will hear from top government officials, DC insiders, and other experts; get the national perspective on federal tax reform; examine employee benefit options for small employers; analyze treatment of built-in capital gains taxes; gain a tax court judge's advice on opinion drafting; keep current on property tax and State Tax Commission changes; and explore tax issues when a client experiences a data breach. Attendees will participate in "Optional Morning Session — Accounting and Auditing for Income Taxes" can earn 1 additional CLE credit for a total of 7 CLE Credits. Plenary sessions include Washington Update — Current Tax Legislative Developments; A View from the Tax Court; and Michigan Tax Policy and Administration. Federal Income Tax Committee sessions include Tax Issues Relating to Cybersecurity Incidents and Data Breaches; Controversial Tax Issues in Business Valuation for Estate and Gift Tax Purposes; and Employee Benefit Options for Small Employers. State and Local Tax Committee sessions include State Tax Commission Updates and Property Tax Developments and Nationwide State Tax Developments. The conference will close with a networking reception. The cost is \$150 for section members; \$250 for ICLE Pre-

mium and Basic Partners; \$75 for new lawyers (0-3 years in practice); \$125 per lawyer for 4+ lawyers from the same firm; and \$250 for all others. Register at <http://www.icle.org/>. Current, sitting State Court Judges may attend free (limit 40) with pre-registration using printable order form or by calling ICLE at (877) 229-4350.

58th Annual Probate & Estate Planning Institute
June 14-15

The State Bar of Michigan Probate & Estate Planning Section and ICLE will cosponsor the 58th Annual Probate & Estate Planning Institute on Thursday, June 14 and Friday, June 15 at The Inn at St. John's, 44045 Five Mile Road in Plymouth. This seminar is designed to help you secure your clients for generations. Dive into cutting-edge topics from local and national experts. Amy K. Kanyuk and Paul S. Lee break down trustee discretion and basis management. Learn how today's hottest estate and tax planning, probate, and litigation issues — such as gun trusts, Medicaid changes, and technology trends — will impact your practice. Attendees will learn how to stay current on essential caselaw developments and new legislation; get advice straight from the probate bench with our judges panel; gain trust-building techniques to lock in more clients; analyze case studies on basis management; avoid pitfalls when a long-time client needs a guardian; plan effectively for adopted children and stepchildren; examine challenges trustees face in making distributions; and explore new tracks on blended families, unique assets, and charitable planning. The agenda includes continental breakfast both days, lunch Thursday and a networking reception end-of-day Thursday. Morning sessions being held Thursday include topics from the Advanced Planning Track (moderated by Douglas A. Mielock, Foster Swift Collins & Smith PC) and the Unique Assets Track (moderated by John H. Martin, Warner Norcross & Judd LLP); afternoon sessions will concentrate on the Disability Planning Track (moderated by Jane A. Bassett, Bassett Law) and the Charitable Track (moderated by Christopher A. Ballard, Varnum LLP). Friday's sessions will cover the Drafting/Design Track (moderated by Raymond A. Harris, Buhl Little Lynwood & Harris PLC) and the LPM/Tech Track (moderated by Sarah L. Ostrowski, Sarah's Law Firm PLC). Find the cost for this seminar and registration at www.icle.org. Registrants are responsible for their own hotel expenses. A block of rooms has been reserved at The Inn at St. John's under ICLE/probate for June 13-14. The room rate is \$152 per night. Call (734) 414-0600 to **reserve by May 23**.

ADR Section: Negotiation, Persuasion & High Stakes Decision-Making — What the Research Teaches Us
June 19

The State Bar of Michigan Alternative Dispute Resolution section will host a seminar from 9:30 a.m. to 4 p.m. Tuesday, June 19 at WMU-Cooley Law School, Room 145, 2630 Featherstone Rd. in Auburn Hills. Dr. Elizabeth Stokoe, Ph.D., will provide a compelling presentation on scientific techniques that reveal what works and what does not work in settlement discussions and our daily communications. The training is based on empirical research conducted by Dr. Stokoe and her colleagues. She specializes in the science of talk, studying how people converse and communicate better. In Part 1 of the training, the goal is for mediators to gain insight into communication practices that work to persuade, overcome resistance, and shape decision-making when parties are emotional and where conflict is high at the mediation table. Her recommendations are research based, not "gut" instinct. In Part 2, the program emphasizes solution focused questions and their role in bringing about agreement. Learn the specific words that research proves help achieve solutions; and those which simply do not work except to add to stress and emotionality. Cost for the seminar is \$75 for SBM ADR, Litigation, or Labor Law Section members; \$95 for non-section members; free for WMU-Cooley law students; and \$25 for other law students. Registration fee includes lunch on premises and an afterglow reception at the end of the program sponsored by the ADR Section of the State Bar. **Register by June 14** at www.michbar.org. There is no onsite registration for this event.

DBA 'Raising the Bar' 2018 Annual Meeting
June 20

Don't miss your chance to be a part of Raising the Bar 2018, the Detroit Bar Association's annual meeting — held at the newly renovated Detroit Club, 712 Cass Ave. in Detroit from 5-8 p.m. Wednesday, June 20. Join your peers for an evening of celebration and recognition, including installation of Detroit Bar officers and awarding those who have shown exceptional dedication to the outreach and growth of the law, within both the Detroit Bar and community. Registration includes appetizers and a drink ticket; a cash bar will be available throughout the evening. The cost for this event is \$75 per person. Judicial officers may attend free of charge. Register to attend (and find sponsorship information) at www.detroitlawyer.org. If you bring a guest (in practice at least one year) who turns in a Detroit Bar Association membership application on site, you each receive an additional drink ticket.

To include your event in "Mark the Date," send information to bcox@legalnews.com

World Congress



Photo by John Meiu

Butzel Long hosted a seminar, "Conducting Business Across Borders," and a reception on the occasion of the SAE World Congress 2018 on Wednesday, April 11, at the firm's Detroit offices. Taking part in the program were (l-r) Douglas George, consul general of Canada; Angel Ramirez, director of the Trade and Investment Commission Eastern Midwest U.S., ProMexico; Fernando Gonzalez Saiffe, consul general of Mexico; and Butzel Long's Jim Bruno, Raul Rangel, and Justin Klimko.

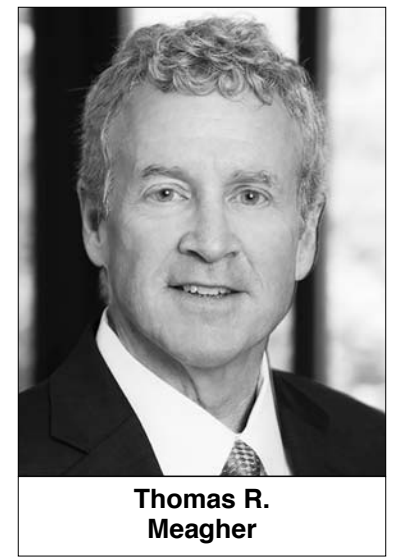
Meagher inducted as an ABF Fellow

Foster Swift litigation attorney, Thomas R. Meagher, has been inducted as a Fellow of the American Bar Foundation (ABF). Meagher also is a fellow of the State of Michigan Bar Foundation, the Michigan Supreme Court Advocates Guild and the Michigan Supreme Court Historical Society.

The Fellows of the ABF are a global, honorary society made up of lawyers, judges and legal faculty whose careers have demonstrated outstanding dedication to the highest principles of the legal profession and to the welfare of society. Membership is limited to one percent of lawyers licensed to practice in each jurisdiction.

Meagher practices out of the firm's Lansing office and brings more than 30 years' experience to the areas of employment and civil rights litigation, commercial litigation and appellate law. He concentrates his practice on the defense of employment lawsuits, including the defense of cases involving constitutional law, civil rights and discrimination, whistleblower and disability claims on behalf of private and municipal clients.

Meagher earned his undergraduate degree from Michigan State University with high honors, and is a magna cum laude graduate of Wayne State University Law School.



Thomas R. Meagher

Michigan Court of Appeals reiterates that worker's comp claims are the exclusive remedy for injured employees

Foster Swift attorney John Nicolucci, with assistance from Allison Collins at the Trial Court level, convinced the Michigan Court of Appeals (COA) to reverse the Eaton County Circuit Court's decision denying Defendant Employer's Motion for Summary Disposition because the Worker's Disability Compensation Act is the exclusive remedy available to injured employees.

The April 17, 2018 unpublished opinion in *Spencer Shumaker v Meritt Tool & Die and Eugene D. Miller* upheld the Worker's Disability Compensation Act of 1969 as the exclusive remedy available to the Plaintiff, who was injured when he placed his left hand into the steel cutting

press he was operating. The Plaintiff had argued that his civil suit was not barred by the Worker's Disability Compensation Act because the Defendant employer had committed an intentional tort by subjecting the Plaintiff to a press that the Employer knew posed a continuously dangerous condition to Plaintiff. While the Eaton County Circuit Court sided with the Plaintiff, Nicolucci of Foster Swift convinced the Michigan Court of Appeals that the employer had not committed an intentional tort and the Plaintiff's recovery should be limited to a worker's compensation claim.

The Michigan Court of Appeals held that there was no evidence that the employer knew

an injury was certain to occur from the press's operation to support an intentional tort. The Michigan Court of Appeals was persuaded by Foster Swift's argument that no intentional tort had been committed because the press was not a continuously dangerous condition: there were safe methods available for operating the press, no trained employee had ever been seriously injured before while operating the press, and the plaintiff had safely operated the press for 45 minutes before his injury.

The case was remanded to the Eaton County Circuit Court for entry of an Order granting the Defendants' Motion for Summary Disposition.

Sen. Mark Warner, Reps. Jerry McNerney and Robin Kelly among speakers at ABA Internet of Things National Institute

Senator Mark Warner and Representatives Jerry McNerney and Robin Kelly will be among the featured speakers at the American Bar Association Section of Science & Technology Law's third Internet of Things (IoT) National Institute, May 9-10 in Washington, D.C.

The IoT National Institute brings together business owners, policymakers, academics and lawyers to discuss the latest legal, legislative, global trends, regulatory, and liability issues.

In addition to two days of programming, there will be six keynote addresses:

Sen. Warner, (D-Va.) will give the keynote address May 9. He

will provide insight on cybersecurity risks and opportunities and discuss the importance of establishing security standards to protect the economic infrastructure of the IoT.

The morning keynote address on May 9 will be given by Rep. McNerney (D-Calif.), who will address the need to protect the billions of devices in the IoT ecosystem. The luncheon speakers will be Terrell P. McSweeney, who resigned from the Federal Trade Commission on April 28, and Neil Chilson, the FTC's acting chief technologist. The FTC has been at the forefront of emerging security and privacy issues in a connected world.

On May 10, Rep. Kelly (D-Ill) will give the keynote address. She will highlight efforts to oversee IoT connectivity pursuits in economic, technology and security issues that confront federal agencies. Peter Davidson, general counsel, U.S. Department of Commerce, will be the luncheon speaker.

Other noted presenters will be Rajesh De, former general counsel, U.S. National Security Agency, who will be on the panel, "Homeland and National Security in an Internet-Everything World"; and Joe D. Whitley, former general counsel, U.S. Department of Homeland Security, who will be on the panel, "Inside IoT: Corporate Counsel Insights."

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