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In This Issue . .

Building a Safety Net for Fledging Adults . . 6-7

Reflections on the Value of Mediation (After 25 Years in the Trenches) 8

> May/June 2018 Volume 47, Number 3

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Please visit our website at www.washbar.org

Annual Award Dinner and Election

6880





Photos courtesy of Washtenaw County Legal News – Frank Weir, Photographer

The well attended event was held at the Ann Arbor City Club on April 12th. Twenty-two of our Past Presidents were in attendance and acknowledged with a special toast. Local attorney, John A. Shea was presented with the Patriot Award from WCBA President K. Orlando Simón.

The 2018-2019 Board of Directors were administered the oath of office by the Hon. David S. Swartz.

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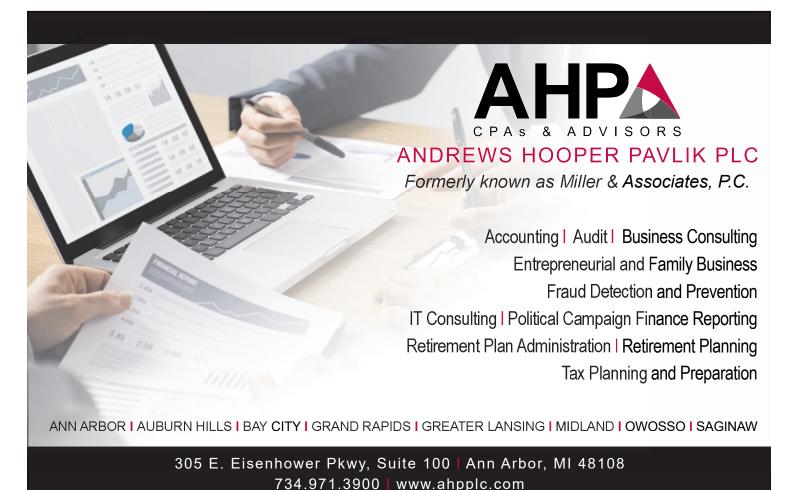
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Volume 47, Number 3

May/June 2018

Advertiser Index

| Alex Milshteyn Real Estate Associates | ' 2 |
|---------------------------------------|------|
| Andrews Hooper Pavlik PLC | |
| Bell Tower Hotel | 12 |
| Weher's Inn | - 11 |

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Items for publication and questions concerning editorial content should be directed to the Editor, Teresa Killeen, WCBA, 101 E. Huron, P.O. Box 8645, Ann Arbor, MI 48107, killeent@ewashtenaw.org Inquiries concerning advertising should be directed to Kyeena G. Slater, Executive Director, 101 E. Huron, 1st Floor, P.O. Box 8645, Ann Arbor, MI 48107, Phone: 734-994-4912, fax 734-663-2430, email: slaterk@ewashtenaw.org.

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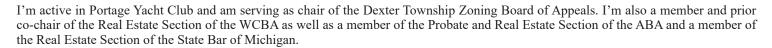
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Brook Smith

I was born in Fort Wayne, Indiana. My family moved to Indianapolis and then back to Fort Wayne where I lived until leaving home to attend college at the University of Michigan. I became a sole practitioner right out of law school and successfully avoided starving to death during the first few years. I now spend a good bit of time playing around with boats, particularly small sailboats.

My wife, Martha, and I live on Portage Lake, north of Dexter. We have two sons. David lives in Houston, Texas with his three-year old daughter and her mother. Morgan lives in Dublin, Ireland with his wife, seven-year old daughter and four-year old son. Morgan and Nancy are well on their way to having a second daughter.



Did you always know you wanted to be an attorney? Where did you get your law degree? Anything else interesting?

When I was in high school, I was good at math and science. Aptitude testing suggested that engineering would be a good career path for me. This led me to UM's Engineering School. It took me about two semesters of engineering classes to determine that aptitude aside, a future in engineering was not for me. At that point, I hadn't taken any college-level foreign language classes, so I needed to find a post-graduate degree program with no admission prerequisite other than a bachelor's degree, ergo: law school.

What jobs did you have before you became an attorney?

While in undergrad and law school, I worked as an officer and director of a company that invested in oil and gas exploration and then for a company that raised capital for movie-making. I needed to be able to continue to work to afford law school, which meant that I needed to go to law school in Ann Arbor. Fortunately, the University of Michigan Law School admitted me.

What area of the law do you like the best and why?

I practice in the areas of real estate, business, and estate planning, but in each area, the thing I like best is problem-solving. It is very gratifying to take a situation that is causing concern or confusion to a client and help clients find a path to an acceptable outcome.

What would your second career choice have been if you had not become a lawyer?

Not engineering!

What is your favorite movie or book?

Although I haven't read it in a very long time, one of the books that I frequently think of is <u>A Theory of Justice</u> by John Rawls. Prof. Donald Regan used it in his Philosophy of Law class, and the basic ideas of the book about determining "that which is just" have stuck with me for over 40 years.

What are some of your favorite places that you have visited?

Houston and Dublin are both great if you have grandchildren living there!

What are your favorite local hangouts?

West End Grill

When you have a little extra money, where do you like to spend it?

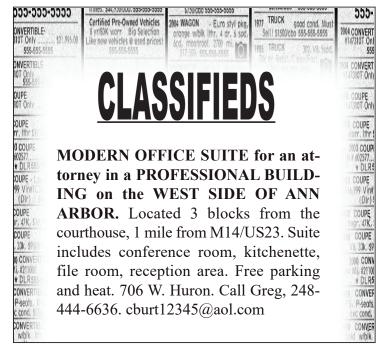
I own a sailboat and a power boat. Need I say more?

What do you like to do in your spare time? Hobbies?

Since 1979 when I was first introduced to sailboat racing, I've spent much of my spare time racing an 18' sailboat, usually on Portage Lake.

Why do you choose to be a member of the WCBA? What is the greatest benefit you have enjoyed as a member?

The first part of this question is interesting to me because I never considered <u>not</u> being a member of the WCBA. After admission to the Bar, I wanted to get to know the other local attorneys, which is the greatest benefit that membership has provided to me.



May/June 2018



PRESIDENT'S MESSAGE

Greetings and Salutations! (Since we finally made it into spring, I feel confident appropriating an opening from E.B. White's irrepressible Charlotte.) What a difference ten degrees higher and a little sunshine make to the psyche. Spring has sprung! And if you missed the daffodils, the tulips, and the various tree blossoms, you can still set aside some time to make it to the Peony Garden in Nichols Arboretum.

https://mbgna.umich.edu/matthaei-botanical-gardens/whats-in-bloom-matthaei-nichols/

Meanwhile, the WCBA has been busy and will remain busy until at least the onset of the summer. The President's Speakeasy continues to gain momentum. In March, we gathered in downtown Ann Arbor at the ABC Brewpub on Washington St. for great local beverages and some old fashioned table shuffleboard (a.k.a. shufflepuck and quoits). The ABC pub has one of the few old tables left in Washtenaw County. In April, we ventured out west to the wonderful Village of Dexter and met downtown at The Beer Grotto. It was a nice gathering of members who came and went as we took over the front area on a sunny afternoon. The Speakeasy is a great, low-key way to spend some time, talk to people you haven't seen in a while or meet new folks. Thanks to everyone who made it. If you missed us, don't worry, you can still look forward to one in May and one in June to round out the year.

On March 23rd, friends, family, public officials and colleagues gathered at the Washtenaw County Trial Court to pay tribute to our former Washtenaw County Public Defender, Lloyd E. Powell who passed earlier this year. Delphia Simpson, stepping in and taking over for Mr. Powell as the newly appointed Public Defender, led a wonderful program where we heard both humorous and heartfelt stories about how Mr. Powell lived his life and how he made such a positive impact on his community. I was honored to join the ranks of those sharing memories and thoughts, and paid respects on behalf of the WCBA.

Earlier that same day, the WCBA offered a workshop to its members entitled "Understanding Implicit Bias: An Introduction for the Legal Practitioner." This was the first in what we hope is a series of workshops and conversations that attempt to provide a working understanding of what "implicit bias" or "unconscious bias" means and how we can incorporate that understanding into providing better legal services for our clients and better support in the legal system. We had a great group of attorneys and judges who gathered in the Fifteenth District Court Jury Assembly Room and engaged in an interactive discussion. The feedback was positive and we look forward to revisiting this subject in the future.

The WCBA had its Annual Award Dinner and Election of the new Board Officers at the Ann Arbor City Club on April 12th. We had a great showing and elected the proposed slate for the 2018-19 Board. Elizabeth C. Jolliffe will be moving up to take over duties as next year's President and I will be serving as Immediate Past President. The rest of the Board: Mark W. Jane, President Elect; Paul C. Fessler, Vice President; S. Joy Gaines, Treasurer; Samuel J. Bernstein, Secretary; Alexander W. Hermanowski, Scott E. Munzel, Shalini Nangia and Katherine M. Sharkey as Directors-at-Large. The new team will formally take over at the start of next fiscal year on July 1st, but we always take the election as an opportunity to recognize the work of the current Board and have a celebratory "passing of the gavel." I would like to say a special thanks to those Board members who have served in a number of different roles and will be stepping down after this year: Elizabeth Kitchen-Troop; Jennifer Lawrence; Anna Frushour; Rosemary Frenza Chudnof; Justin Altman; and, Benjamin Muth.

This year, the WCBA gave its Patriot Award to John A. Shea. The Patriot Award was established by the WCBA in 1987 to recognize an attorney for his or her work in (1) promoting a better understanding of the Constitution

and Bill of Rights, (2) encouraging greater respect for law and the court system, (3) helping to stimulate a deeper sense of responsibility on the part of individuals and helping them recognize inherent duties and rights, (4) contributing to a better and more effective functioning of government institutions, and/or (5) fostering a better understanding and appreciation of the rule of law [as referenced in our bylaws].

John, a longtime WCBA member, was selected as this year's Patriot Award recipient by his peers for many reasons, not the least of which the respect he holds as a model ethical practitioner. For those of you not familiar with John's work, a few highlights that touch on various aspects of the award's criteria include:

- 1. Serving as a Michigan Indigent Defense Commissioner and working towards better criminal defense services and effective assistance of counsel;
- 2. WCBA representative on the Washtenaw County Criminal Justice Collaborative Council;
- 3. Active member of the Criminal Defense Attorneys of Michigan, including policy committee work;
- 4. Active member of the Detroit-area Federal Criminal Justice Act appointed counsel list;
- 5. Active member of the local ACLU chapter of Michigan;
- 6. Member of the National Association of Criminal Defense Lawyers.

John was introduced by fellow WCBA member and attorney, David Nacht, and then presented the award to a rousing standing ovation.

And as if that were not enough for an action-packed evening, we also convened twenty-two of our past WCBA Presidents for a group photo and a toast to all the wonderful people who have served at the helm of our bar association: Ed Pear (1979-1980), Peter Flintoft (1982-1983), Monika Sacks (1987-1988), Hon. David Swartz (1988-1989), Bob Gillett (1993-1994), Tom Daniels (1997-1998), Hon. J. Cedric Simpson (1999-2000), Lori Buiteweg (2000-2001), Doug Lewis (2002-2003), Tom Bourque, (2004-2005), Erane Washington (2005-2006), Véronique Liem (2006-2007), John Reiser (2007-2008), Hon. Karen Quinlan Valvo (2008-2009), Brad MeLampy (2009-2010), Ashwin Patel (2010-2011), Peter Falkenstein (2011-2012), Hon. Patrick Conlin, Jr. (2012-2013), Delphia Simpson (2013-2014), Matt Jane (2014-2015), Greg Dodd (2015-2016) and Elizabeth Kitchen-Troop (2016-2017). It was my special privilege to raise a glass to all of those who made it that evening. The room was abuzz with conversation as this group of past presidents gathered and reminisced before the dinner. It was also a great opportunity for some of our newer members to meet them and hear some stories. I am honored to join such a diverse and interesting group.

Finally, I look forward to seeing many of you at another one of our annual events, the Bench-Bar Conference on May 4th at the Travis Pointe Country Club. This has become an event that we all look forward to hear about the health of our courts, have time to sit down with our judges and interact with one another. Until next time, enjoy the weather and thanks for your continued support.

K. Orlando Simón

K. Orlando Simón kosimon@umich.edu

les losa Loquitur

BUILDING A SAFETY NET FOR FLEDGING ADULTS

It's that time of year again: young women and men across the country are graduating from high school and leaving the nest to embark on the first phase of their (hopefully) independent adult lives. For most, this is the first time they will live away from home and be responsible for their own care and feeding. But rarely do these graduates or their parents consider what sort of legal safeguards are appropriate in case something should happen while they are busy stretching their wings. Consider the following story:



A colleague contacted me recently about preparing durable powers of attorney for a potential client whose son – let's call him Sam – had just been discharged from an in-patient mental health facility in Indiana. Sam had been admitted directly from Indiana University where he was a student. And because he was over eighteen, neither the facility nor the university would share any information with his parents about why he had been admitted, his condition, his diagnosis, or his future care needs. It was a scary time for his family. Now discharged from the hospital with a diagnosis and some stabilizing medication, Sam had re-enrolled and his parents wanted a way to be legally involved in his care in the future. And naturally, they asked the first lawyer they encountered for help.

This story (and many like it) is probably not unfamiliar to you. But it is not the sort of thing most parents consider when they deliver their daughter or son to their first dorm room or apartment. This is why I almost always recommend to estate planning clients whose children are Young Adults ("YAs") that they consider having Durable Powers of Attorney ("DPOAs") for financial and healthcare decisions prepared for these YAs at the same time they are preparing them for themselves. At first blush, this is a relatively simple proposition. But there are a few complexities to bear in mind that make the process slightly different than preparing DPOAs for other single adults.

First, there is a potential choice-of-law issue to consider. The governing law in Michigan is no different than that for any adult: the Estates and Protected Individuals Code ("EPIC"). Article V, Part 5, MCL 700.5501-5520 covers DPOAs and sets forth the general rules and procedures that must be followed. But YAs who are leaving home may be travelling to colleges or jobs outside the state - will a Michigan DPOA be honored where they end up? State law differs with respect to whether foreign DPOAs are valid, so be sure to determine whether a Michigan DPOA will be honored wherever your YA is headed.¹

Second, there are professional responsibility considerations that often crop up when working with YAs. Not least among these considerations: who is the client? Is the client the parent, the YA, or both? As in our example, the parents are often the ones asking to be made their YA's agent, even though the YA is the one appointing a fiduciary. In that case, you might prefer to keep only the parent(s) as your client and advise the YA that they should consider obtaining their

own counsel. Or you may prefer that the YA is a client separate from, or jointly with, his or her parent(s). While this does not present an inherent conflict of interest under MRPC 1.7, the potential conflict should be considered and addressed, if necessary. It seems obvious, but if the YA is your client, be sure to meet separately with them to ensure you fully understand their interests. It would be easy to prepare DPOAs based solely on what a parent wants, but the YA client may want something else, and you may be in the middle of a conflict as a result.

Another consideration: who is paying the bill? Rule 1.8(f) prohibits a third-party from paying a client's legal bills unless (1) the client consents; (2) it does not interfere with the lawyer's independence, judgment, or the client-lawyer relationship; and (3) information is protected in accordance with MRPC 1.6. If the YA is your client and his or her parent is paying the bill, then MRPC 1.8(f) applies to you. Consider maintaining a separate file for the YA to keep each party's information segregated and to prevent spillage. It is easy to forget that while the parent brought the work to you and is paying the bill, it is not their interests that the lawyer is representing in this matter, but the interests of the YA. Those interests must therefore come first.

Third, be aware of other laws or policies that may affect the YA and bear on the scope of any DPOA you prepare. This is especially important if the YA is entering a program or institution which subjects the YA to additional laws, policies, or regulations, like universities, military service, foreign service, or other governmental programs. For example, you might advise your client to include a specific waiver under the Family Education Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g; 34 CFR Part 99. Like HIPAA, FERPA creates privacy rights in certain information and its rules must be closely followed by any school that receives federal funding; each school has some flexibility to adopt their policies and procedures to achieve FERPA's mandates. Absent a specific release by the student, these schools can deny disclosure of protected information (e.g. grades) to the student's parents - even if the parents are paying tuition and the student is a dependent for tax purposes. If your client wants the YA's parents to have access to their protected information, then a specific FERPA waiver may be necessary. Check with the school to see if it requires a form separate from your DPOA.

Finally, be sure to consider some of the customer-service aspects of your representation. Who should get original copies of the signed documents – the parent, the YA client, or both? Do they want a scanned PDF copy? Should a copy be sent to the academic institution for their records? Should the YA provide login credentials for digital assets and social media to the parent in case of emergency? As with most things, the YA client will provide answers to these questions, with their parents' advice and counsel, of course.

6 May/June 2018

¹ Illinois, Ohio, Wisconsin, and Indiana all have statutes explicitly recognizing a DPOA if it was valid in the state in which it was executed. 755 ILCS 45/2-10.6; 8 Ohio Rev. Code § 1337.26; Wis. Stat.

MEMBER NOTES

§ 244.06(3); Ind. Code § 30-5-3-2. EPIC is silent with respect to whether a DPOA is valid if executed in another state.



Samuel E. Nuxoll is an attorney in the Ann Arbor office of Miller, Canfield, Paddock and Stone, PLC, where he focuses his practice on trust and estate planning and administration, probate, and tax matters. He was an Officer in the United States Army for nine years before attending the University of Michigan Law School and joining Miller Canfield. He lives in Ann Arbor with his wife and three young children. He can be reached at nuxoll@millercanfield.com.

Member Notes



Sally Rutzky will retire May 31, 2018, 45 years after graduating from the University of Michigan law school. She thanks all of the people who make the practice of law in Washtenaw County satisfying. We wish her the best in her retirement!

Bank of Ann Arbor is pleased to announce that **Kyra Sims** has joined the Trust & Investment Management Group as a Trust Officer. Prior to joining Bank of Ann Arbor, Kyra practiced in the private sector focusing on estate planning, probate, and trust administration. Kyra is a member of the WCBA Estate Planning, Probate & Trust Law Section and the Institute of Continuing Legal Education's Elder Law Advisory Board. Kyra is a graduate of Howard University School of Law. Kyra is active in the Ann Arbor community, serving on the Board of Directors for the AAATA (The Ride) as well as the Ann Arbor Area Community Foundation Young Professionals Advisors Board.



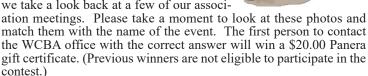
Ashley Waddell Tingstad

Salvatore Prescott & Porter is pleased to announce that **Ashley Waddell Tingstad** has joined the firm as an Associate. Ashley is an experienced civil litigator and has represented both individuals and corporations in a wide variety of civil matters in both state and federal courts. Before joining Salvatore Prescott & Porter, Ashley worked as a litigation associate at Hooper Hathaway in Ann Arbor and at Jenner & Block in Chicago. Ashley began her legal career as a Skadden fellow at the Legal Aid Society of D.C. Ashley graduated *magna cum laude* from the Georgetown University Law

School and has a Bachelor's degree from the Honors College at Penn State University.

PHOTO CONTEST

The WCBA had many events that were well attended. Many of our members have attended some or most of the events. As we wrap up the 2017-2018 fiscal year, we take a look back at a few of our associ-



Thank you for your membership and support.









1. Annual Golf Scramble 2. Holiday Wine Tasting 3. Trivia Night & Silent Auction 4. Annual Award Dinner & Election

7

REFLECTIONS ON THE VALUE OF MEDIATION (AFTER 25 YEARS IN THE TRENCHES)

I've been an attorney now for over 25 years. For seven of them I was an associate litigator, bookended by Court of Appeals service at the front end and, afterwards, 10 years as a judicial attorney with our own Judge Wheeler (f/k/a Francis), followed by additional time in probate practice.

For about 15 of those years, I've mediated cases ranging from domestic to small claims, general civil and business complaints, and school and special education disputes. I've also had elder training and participated in probate mediation.



My point? I've seen the elephant from all angles. And now more than ever I believe that mediation should be the first resort in resolving legal disputes, and that standing orders to mediate should issue in all civil litigation.

In fact, in the years since Michigan's Supreme Court endorsed mediation as an ADR option, many courts have moved from encouraging it as a useful option to issuing standing orders to mediate. In Washtenaw County, all small claims cases are first set for mediation. Business law cases are also expected to mediate. Similar mandates apply in most domestic relations cases.

Nationally, we see front-page cases ordered to mediation with stupendous results – think of the 2013 NFL player's concussion lawsuit, and the Detroit bankruptcy settlement in late 2014. Both cases settled in record time, with all parties fully on board, on terms they all can live with. I'm curious – does anyone out there believe that court proceedings would have worked any similar magic?

Still, mediation is still largely viewed as an option, a process that produces good results, but an option nonetheless. I really wonder why.

Why aren't standing orders to mediate standard in all cases? Is it to avoid charges of inhibiting access to courts? Under MCR 2.401, an order to mediate is just another part of a pre-trial scheduling order. The U.S. Supreme Court tells us that every court has inherent power to issue and enforce rules to manage litigation. *Thomas v. Arn*, 474 U.S. 140, 146 (1985). So "access to court" claims are straw arguments.

Is it because court dockets are under-full? Not joking here – years ago I heard that some judges in Michigan's less populous counties believed they could resolve cases faster in court than the parties could if ordered to mediation - even mediation with the Friend of the Court. Today, I think that posture is less common regardless of locale, but historically, dockets in Michigan's more densely populated counties have rarely dipped lower than "full" to "overly-full." Certainly, in my years at the Washtenaw court, I never saw a judge with too much time on his or her hands.

Is it because judges want to defer to the parties' own judgment, especially if represented? Or, put another way, do the practitioners themselves resist a mandate? Certainly I've heard justifications ranging from cost and delay to too-thorny issues or personalities, generally from people with little or no experience with mediation. In such cases, though, if the court itself does not re-route the parties to mediation.

ation, they may never experience it, nor have an incentive to try.

Not attempting mediation is a loss for everyone. The law favors settlements. Most cases do settle, if only from exhaustion. Attorneys and judges alike count on such attrition, even while knowing that unmediated settlement terms may be sub-optimal and perpetuate resentment. Mediation produces settlements with sounder agreements, more satisfied parties, and better compliance, because the parties themselves have devised the terms and will more likely comply with them

The process is also more humane. Court procedures are usually stressful, protracted, disappointing, often adversarial and almost never economical. Most importantly, the parties do not control the process, the timing, or the outcome — they are, emphatically, *not* the decision-makers. By contrast, mediating parties have a say in both the process and the timing, and (with a little help from the others) completely control the outcome. *They* fashion the deal.

It helps that mediation has very few rules: (1) speak civilly; (2) listen carefully; (3) maintain confidentiality; (4) honor any other boundaries set by the mediator and/or the court; and (5) give it a fair shake. So despite the informality, it's actually a very dignifying process.

It helps that all participants, including represented parties, can speak and be heard, and (unless there is good reason to do otherwise), to talk face-to-face with their counterparts. Sometimes that alone helps get people to "yes." (For more about that dynamic, read "Getting to Yes," by Roger Fishman and William Ury, the book that got the mediation ball rolling. Or, you can read "Stone Soup" by Marcia Brown, where hungry soldiers persuade reluctant villagers to feed them by making a communal stew, starting with nothing more than a rock in a pot. Really, a lot like mediation.)

If reached, closure is tangible. It may not heal every rift, but no one is threatening to withhold or defy or file appeals, and people can sleep at night again.

Even partial gains are still gains. Eliminating some issues, reframing others, modifying positions and, possibly, re-humanizing the other side, all move toward a better end. I've seen parties go back to mediation after a breather to finish what they started. I've also seen more than one latter-day settlement bloom in the hallway from an earlier, seemingly unsuccessful mediation, with the parties explaining they just needed more time to think about it.

Meanwhile, the court is still standing, and the judge is still in, so whatever's left over can be dealt with in the traditional way as needed.

Right now, Michigan legislators are considering a statutory mandate for mediation. It's really not their province - that power belongs to the courts. But it's definitely time for a firmer stance.



Juliet Pressel graduated from U of M law school in December 1991, was admitted to the Michigan bar in 1992 and is now a master lawyer. Since 2013 she has been an associate with Bassett Law (probate, estate and elder law) in Ann Arbor. She is a frequent volunteer mediator through the Dispute Resolution Center and also mediates privately.

NEW MEMBERS AND CHANGES

NEW MEMBERS

ROBERT G. ELMEN

P79236

Elmen Legal, PLLC

455 E. Eisenhower Pkwy., Ste. 360

Ann Arbor, MI 48108 phone: 734-707-8915

e-mail: robert@elmenlegal.com

JOSHUA A. LOWENTHAL

P81949

Plante Moran PLLC

1000 Oakbrook Dr., Ste. 400

Ann Arbor, MI 48104 phone: 248-909-5335

e-mail: joshualowenthal@gmail.com

SUSAN E. SHINK

P51318

660 W. Joy Rd.

Ann Arbor, MI 48105

phone: 734-709-6223

e-mail: seshink@aol.com

NEW ASSOCIATE MEMBER

SAMUEL L. ESTENSON

Clerk for the Hon. David R. Grand U.S. District Court- Eastern District of Michigan

CHANGES

JEFFREY D. ALBER

P76530

Keusch, Flintoft & Fink, PLLC

119 S. Main St.

Chelsea, MI 48118 phone: 734-475-8671

e-mail: alber@keuschlaw.com

MICHELLE D. CHAMPANE

P80917

Howard & Howard Attorneys PLLC

450 W. 4th Street

Royal Oak, MI 48067

phone: 248-723-0467

e-mail:

mchampane@howardandhoward.com

ADAM H. EICHNER

P58916

Eichner Realty

303 Detroit St., #100

Ann Arbor, MI 48104

phone: 734-709-5136

e-mail: adam@eichnerrealty.com

MELANIE F. FRADETTE

P77890

Office of General Counsel

The Auto Club Group

1 Auto Club Dr.

Dearborn, MI 48126

phone: 313-336-1968

MARK A. HOPPER

P28493

Ferguson Widmayer PC 538 N. Division St.

Ann Arbor, MI 48104

phone: 734-662-0222

e-mail: mark@fw-pc.com

KENNETH E. OVERWATER

P77466

Kitch Drutchas Wagner Valitutti &

Sherbrook

One Woodward Ave., Ste. 2400

Detroit, MI 48226

phone: 313-965-7411

e-mail: ken.overwater@kitch.com

KYRA D. SIMS

P76835

Bank of Ann Arbor

125 S. Fifth Ave.

Ann Arbor, MI 48104

phone: 734-327-0254 e-mail: ksims@boaa.com

DAVID M. STIMPSON

P64583

Stimpson & Associates, P.C.

455 E. Eisenhower Pkwy., Ste. 40

Ann Arbor, MI 48108

phone: 734-707-9455

e-mail: dstimpson@stimpsonlaw.com

ASHLEY WADDELL TINGSTAD

P81463

Salvatore Prescott & Porter, PLLC

105 E. Main St.

Northville, MI 48167

phone: 248-679-8711

e-mail: tingstad@spplawyers.com

SARAH L. WIXSON

P76496

Varnum LLP

300 N. 5th Ave., Ste. 230

Ann Arbor, MI 48104

phone: 616-886-2198

e-mail: slwixson@varnumlaw.com

Res Ipsa Loquitur

ARE YOU LEAVING YOUR CLIENT FINANCIALLY VULNERABLE?

It is commonly accepted that during a crisis, such as a divorce, an individual's thoughts function with 80% emotion and 20% logic. Combine this intense emotion and minimal logic with the high stress and anxiety of navigating the legal and financial issues of the divorce, and you have a divorcing client who may not be making the best long-term financial decisions for themselves.

The experience and expertise of a financial professional versed in the many financial matters specific to divorce – specifically a Certified Divorce Financial Analyst (CDFA®) – can help

your client navigate the financial aspects of their divorce and feel more confident about their financial future. They can also help the attorney feel more confident that they are advocating for the best financial settlement for your client.

In our combined 25+ years' experience working with divorced clients, we have noticed there are five common areas that arise during the divorce in which the client wishes they would have had more information and direction. These themes are below and are not intended to be an exhaustive list of the financial issues encountered in a divorce. They are areas in which Certified Divorce Financial Analysts can be of great help to both the client and the attorney in understanding the issues before the terms of the divorce are final.

Creating a Realistic Budget

Post-divorce budget is arguably the most important item to work out prior to settlement. However, before a post-divorce budget is created, the marital finances need to be understood. Often, one person in the marriage took care of the household finances and has a solid understanding of the finances while the other party is clueless. It becomes an extremely daunting task for the "clueless" party to play catch up, let alone pull together the unknown post-divorce variables needed to create a realistic post-divorce budget. A Certified Divorce Financial Analyst can work with the client in the early stages of their divorce and create a realistic post-divorce budget. By working in advance and having that budget, the attorney is better able to negotiate a full financial settlement and the client has a great deal of anxiety alleviated for them.

Some post-divorce budgetary items to be considered include:

an increase in property and casualty insurance and the loss of a multi-policy discount;

the increase in premiums when the policy is changed to a single homeowner post-divorce due to claims made on the policy during the marriage;

the household maintenance for which one party will now be responsible and whether there are liquid assets to help cover



Sharee Burkel, CFP®, CDFA®

the costs of those expenses (e.g., a new roof).

Understanding Accounts

There are many different types of financial accounts a household can have – checking and savings, brokerage, retirement, and stock options (to name a few) – but not all accounts are created equally. And all members of the household are not necessarily aware of all the accounts, how they are funded, and/or how they can be divided, if at all. Understanding the liquidity and tax implications of the various accounts are an important piece in understanding

the long-term financial impact of a financial settlement. Is the best settlement one that divides every asset 50%/50% or is there a more creative settlement solution that would better benefit your client?

The Marital Home

Often, one party is keeping the marital home and the equity is being equally divided. More often, the spouse keeping the marital home is the spouse earning less income (or none at all) and will be relying on spousal and/or child support to make ends meet post-divorce. Is this truly the best decision for the family? How long can the spouse keeping the marital home maintain the household? Does the client understand the financial impact of this decision over the long-term? If the home is sold a couple years post-divorce, is your client aware there could be additional capital gains taxes?

Child & Spousal Support End Date

What is the plan for when child and spousal support end? While running projections, financial planners often find that when child and spousal support ceases, a lifestyle change results. Certified divorce financial planners provide recommendations for how to address that change. The home is typically the highest expense and therefore, the most obvious one to decrease. When looking at the numbers, the client typically realizes the simplicity of this. Emotionally, though, this can be difficult to grasp. Managing realistic expectations for your client is a large part of the financial planner's role.

The Family Business

Does one party own a business? Are many of the family expenses run though the business? If so, this can pose a significant impact to the cash flow needs of the non-business-owning spouse. Certified divorce financial planners routinely find that it can be difficult for clients and attorneys to accurately calculate their financial needs when expenses have been run through a business. It is imperative to identify what family expenses are run through the business to provide an accurate cash flow projection and ensure that your client has a full understanding of the true spending and lifestyle adjustments that may be on the horizon.

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These points are simply a few items that highlight the importance of utilizing a CDFA® while working towards a mutually beneficial settlement. CDFA® practitioners help clients and their attorneys understand true cash flow needs, tax considerations when equalizing the division of assets, the financial risks to which your clients are exposed, and the client's financial vulnerabilities. CDFA® practitioners offer support in helping clients navigate the multitude of financial issues that arise throughout the divorce that will have an impact long after the divorce is over.

68

Kristen Roy and Sharee Burkel both work as a Certified Financial PlannerTM and Certified Divorce Financial Analyst®. Through Simplified Divorce Solutions, LLC, Kristen and Sharee work as financial experts with divorce attorneys throughout the state of Michigan. In addition, they each have been successfully running their respective financial planning and wealth management practices based in Ann Arbor. Kristen lives in Saline with her husband, three young children and English Labrador while Sharee resides in Chelsea with her husband, daughter, cats and honeybees. Kristen can be reached at kristen@simplifieddivorcesolutions.com. Sharee can be reached at sharee@simplifieddivorcesolutions.com.

In Memoriam

The local legal community suffered the loss of one of its beloved attorneys recently. Bettye S. Elkins, 76, passed away on March 20, 2018.

We were sad to learn of the death of Cynthia Margolis, sister of Larry Margolis. Cynthia passed away on April 9, 2018.

Our deepest sympathies are with their families



to those that continue to support the WCBA by contributing to the WCBA Donations Fund for community service, law library, and technology improvements!

Samuel L. Estenson
Victor L. Lillich – Victor L. Lillich, JD & Associates, PLLC
Susan E. Shink

AGC Seeks Volunteer Receivers

The Michigan Attorney Grievance Commission seeks licensed local attorneys to serve as pro bono volunteer receivers pursuant to MCR 9.119(G) to assist in liquidating the practice of lawyers who are incapacitated, deceased, suspended or disbarred. Attorneys who are interested in serving in this type of capacity should contact:

Rhonda S. Pozehl, Senior Associate Counsel Attorney Grievance Commission The Buhl Building 535 Griswold, Suite 1700 Detroit, MI 48226 Phone: (313) 961-6585 Fax: (313) 961-5819

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