

June 2025

BARBEAT

Genesee County Bar Association



From the President: Thanks for the Memories
Genesee County Bar Association
Board of Directors' Statement on the Rule of Law
From the Editor: Let's Get Moving—The Crim
is Calling!
He Got It Out of the Mud
7th Judicial Circuit Court Genesee County
Youth Day
The Next Generation: Mock Trial Experience

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Room for Law Students
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Documenting Mediation Settlements
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From the President: Thanks for the Memories

By Angela N. Wheeler, President

It has been a pleasure, a privilege, and an honor to serve as the Genesee County Bar Association's President for 2024-2025. I appreciate the faith and trust that my colleagues and friends have had in me to oversee our volunteer organization. Together we have been able to accomplish many things throughout this year, which are a testament to our members and their collective drive to accomplish goals that include continuing to fulfill the five strategic goals of our organization. Working together, we have brought a variety of events to raise money for worthy causes, which began this year with the "Bridgerton Experience," in collaboration with the Mallory, VanDyne & Scott Bar Association.

In addition, we were able to successfully complete our Holiday Giving Project, serving those in need in our community. We held successful criminal law and probate seminars. Members have been able to benefit from our monthly meetings with a variety of speakers for the education of our membership. We've also had some additional fun gathering to participate in the "Godfather Live Cinematic Experience" at the Whiting Auditorium.

This is the first year we have been able to roll out a membership card with membership discounts that provide discounts from local businesses. The GCBA annual golf outing continues to be a spotlight event that raises money for the organization. It was also an honor to partner with the Mallory, VanDyne & Scott Bar Association to pay tribute to

retired Circuit Court Judge Archie L. Hayman in honor of his Legal Legacy and celebrate his life and share those stories with his family.

I would like to thank the committee members for their sacrifice of time. I would also like to thank the board members and the executive committee for their tireless efforts. I would also like to thank our extraordinary Executive Director Tatilia "Tina" Burroughs, for her wisdom, guidance, support, and keeping me on track as she has guided all Presidents on this journey.

There's so much wisdom and knowledge in our Bar Association. Whether one has just begun to practice law or has practiced for many years, there is always something to learn. We learn that our advocacy is significant to the rule of law, maintaining justice for all, serving the community, and civility in times of agreement and disagreement. As I transition out of the presidency and into the prized position as past president, I will continue to dedicate my time to making our bar association successful, which means making sure that we continue to grow our membership, provide resources and assistance, that benefit all of our members. Thank you for your support. I wish much success and congratulations to our incoming President, Executive Committee and Board. **BB**



Angela N. Wheeler



Angela N. Wheeler (center of the photo) is pictured with previous GCBA presidents during the 2024 Past Presidents' Luncheon.

Genesee County Bar Association Board of Directors' Statement on the Rule of Law

May 15, 2025

The Genesee County Bar Association Board of Directors fully supports the March 21, 2025, statement by the State Bar of Michigan officers, which reads:

STATEMENT FROM SBM LEADERSHIP ON UNPRECEDENTED THREATS TO RULE OF LAW

As officers of the State Bar of Michigan, we are committed to promoting the administration of justice and upholding the rule of law—core principles that are essential to the proper functioning of our democracy comprised of three co-equal branches of government.

The rule of law ensures that our legal system in the judicial branch of government operates with fairness, stability, and predictability, affording all individuals equal access to justice under established legal principles.

A strong and independent judiciary is fundamental to this framework, as it safeguards constitutional rights, resolves disputes impartially, and applies the law free from external influence. Judges must be able to decide cases based on the law and facts, rather than outside pressures.

Efforts to undermine judicial independence—whether through threats to judicial security, calls for removal based on case outcomes, or actions that erode the public's trust in the courts—pose risks to the proper functioning of our justice system.

Equally fundamental to the rule of law and the proper administration of justice is the ability of lawyers to advocate for clients, even when those clients and their causes may be difficult or controversial. Our democracy depends on lawyers being able to provide representation to others as a means of ensuring that legal rights are properly asserted and that courts are presented with full and fair arguments.

We affirm the State Bar of Michigan's commitment to supporting the fair and impartial administration of justice in the proper functioning of the courts. We encourage respect for the judicial process and the roles of judges and lawyers in our legal system. We invite members of the bar and the public to visit the State Bar of Michigan's [webpage \(https://www.michbar.org/ruleoflaw\)](https://www.michbar.org/ruleoflaw) for further information on the importance of the rule of law in our democracy.

In accordance with our mission and responsibilities at the State Bar of Michigan, we will continue to provide resources, education, and advocacy that support an independent judiciary, the legal profession, and the rule of law, in furtherance of the administration of justice and the proper functioning of our courts now and in the future.

This statement is made by the duly elected officers of the State Bar of Michigan's Board of Commissioners, not on behalf of all individual SBM members. It does not necessarily reflect the views of officers' employers.

As attorneys, we stand firm in our dedication to the oath we swore—to uphold both the United States Constitution and the Constitution of the State of Michigan, and to honor the integrity of our courts and the judiciary. Today, we reaffirm this solemn pledge. We call upon our fellow members of the legal community—and those who rely on it—to join us in recommitting to the fundamental values that sustain our justice system, our profession, and the communities we proudly serve. **BB**

This statement is made by the duly elected officers and directors of the Genesee County Bar Association, not on behalf of all individual GCBA members. It does not necessarily reflect the view of officers' or directors' employers, or any other organization or affiliated entities.

From the Editor: Let's Get Moving—The Crim is Calling!

By Julie A. Winkfield



Julie A. Winkfield

At the Genesee County Bar Association's March 2025 general meeting, we had the privilege of hearing from Lauren Holaly-Zembo, CEO of the Crim Fitness Foundation. Her presentation, "*The Crim's Journey to Creating a Community of Well-Being*," was nothing short of inspiring, it was a reminder that wellness is a full-body, full-community effort.

If you've ever thought about getting more active, meeting people, or just connecting with this classic event, now is the time! The Crim Festival of Races, a Flint tradition since 1977, returns August 21–23, 2025, and it's more than just a race, it is a celebration of movement, unity, and community transformation.

From One Race to a Movement

What began as a 10-mile road race has grown into a full-on community celebration with events for everyone—whether you're walking, running, cheering, or volunteering. The festival now features the iconic 10-mile race, 5-mile and 5K races, the Michigan Mile, and the adorable Teddy Bear Trot for little ones.

It's not just about the miles, it's about the mission! The Crim Fitness Foundation is committed to building *accessible, vibrant communities* that empower people to lead healthy lifestyles through physical activity, good nutrition, and mindfulness. And the numbers prove it's working.

More than 1,100 participants take part in Crim's countywide Training Program, engaging in running and walking groups across 23 community sites, from churches and schools to community centers. Whether you're visually impaired, speak Spanish, use a prosthesis, or are navigating recovery from a stroke or Parkinson's, there's a group for you.

More Than Miles: Nutrition and Mindfulness

For over a decade, the Crim has been tackling health holistically with its nutrition education program. From classrooms to farmers' markets, they deliver over 800 lessons a year, reaching 9,000 residents with 28,000 participant interactions.

And then there's mindfulness, which is a cornerstone of the Crim's wellness philosophy. Through the Mindful Flint Initiative, Flint has earned the title of "Flagship City for Mindfulness in the United States." The initiative provides mindful meditation, yoga, and stress-reducing programming across sectors, with the goal of building a resilient, compassionate, and connected community.

Why It Matters to Us

Mental, physical, and social well-being goals aren't just personal, they are professional as well. As attorneys, our work is demanding. We juggle stress, manage conflict, and help others to navigate the complexities of legal and personal struggles. The Crim Festival of Races offers a meaningful opportunity for us to step out of our daily routines, connect with the community, and prioritize our own well-being alongside others.

GCBA members, here's our invitation to get moving: visit <https://crim.org/races/hap-crim-festival-of-races/> to register for the 2025 races or the Training Program. Let's lace up, show up, and stand out as champions for community health—starting with our own. **BB**



He Got It Out of the Mud

By Anthony T. Maxwell

“He got it out of the mud” is an urban phrase meaning that everything a particular person has earned—no one gave them anything.

That phrase perfectly sums up the life of my friend, outstanding attorney, and judge, Archie Hayman (October 10, 1956 – March 14, 2025).

I first learned of Archie Hayman when I was in law school. My mother mailed me a clipping from the *Flint Journal* about an attorney who had been sucker-punched by his own client in the middle of a trial. The client had to be physically bound and restrained in the courtroom. As I recall, Archie didn’t press charges. He simply said, “The guy has enough (legal) problems.” Archie was, quite literally, a courtroom brawler.

His early life foreshadowed the grit and perseverance he would later show. Archie was born and raised in Flint, Michigan. He attended Flint Public Schools and graduated from Flint Northwestern High School. From an early age, he always had a job—cutting grass, shoveling snow, or doing whatever work was available. After graduating high school, he went to work on the line at General Motors (GM), but his education didn’t stop there.

While working third shift at GM and raising a family, Archie enrolled at Mott Community College, then transferred to the University of Michigan-Flint, and eventually attended Detroit College of Law. After passing the Bar examination, Archie continued to work third shift at GM while practicing primarily criminal law during the day. When his practice had grown strong enough to support his family, he retired from GM to practice law full-time.

Archie was a very likable guy who always walked with his head held high, shoulders squared, and usually a smile on his face. Friends and colleagues encouraged him to run for the 68th District Court, and he was so popular that no one even ran against him. This was around the time I began practicing law and met Archie. We played in a weekly Friday pick-up basketball game at the YMCA. He was a fierce competitor on the court, but he never held a grudge after a tough game. He freely shared advice with me as a young lawyer, and he always encouraged others.

Archie shared his background with humility. He never “big-shotted” anyone—and that is what I remember about him the most.

Now, as a prosecutor, I spent many days in his courtroom, listening to his biblically inspired speeches to defendants. He would say:

“A wayward child is a burden on the mother’s heart.”
“Look at your mother and grandmother over there crying.”



Anthony T. Maxwell



Archie L. Hayman

“The mother and grandmother always show up, no matter how bad you’re messing up.”

“Where are your homeboys at now?”

“Listen to your mother—she’s the only one who is really concerned about you.”

“What do you plan to do with your life?”

“I’m taking a few minutes with you because I care about you.”

He would often add humor to serious moments, telling defendants, “With a name like Bartholomew, your parents had high hopes for you. My parents just called me Archie.” Then he would flash a big smile making the entire courtroom laugh.

He would sometimes look at the pre-sentence report, then look at the defendant and say, “Okay, I’m going to pray for you.” When defendants returned for sentencing, he would stress the importance of employment:

“You need to have a job where they are taking taxes out of your check. If you don’t when you come back, I’m going to lock you up!”

“Not a job under the table!”

“You need to be a participant in society.”

“I’m paying for those streetlights outside, and you need to also.”

He would continue:

“If you don’t have a job when you come back, you better have a lined notebook with everywhere you’ve been looking for a job. I don’t care if it’s McDonald’s or if the job is in Alaska.”

“If you were working all day, then you would be too tired to be out here committing crimes.”

I recall one of my favorite exchanges when he would ask:

Archie: “Why were you carrying a gun, sir?”

Defendant: “For my protection.”

Archie: “If you’re going to places where you feel you need to carry a gun, maybe those are places you shouldn’t be going.”

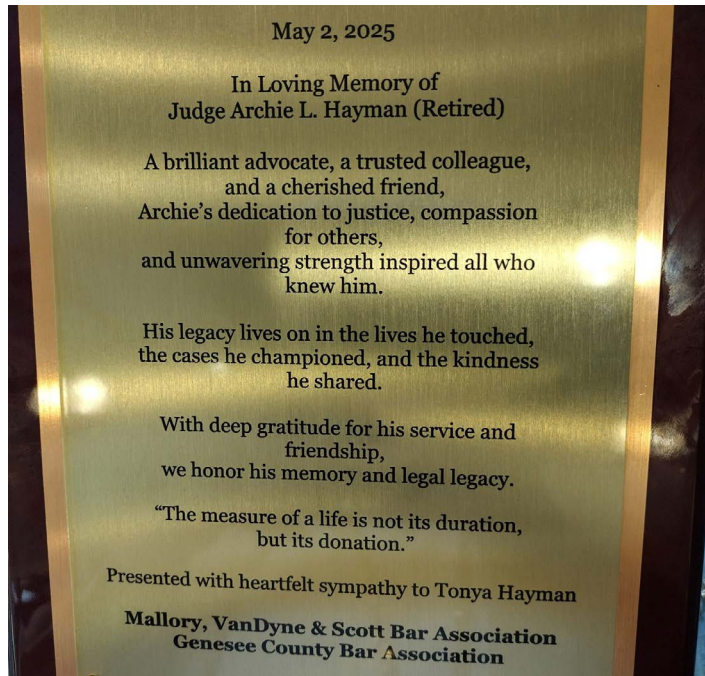
He often told the courtroom, “When I leave at night, I go home and work out on my Bowflex. I don’t hang out in these streets — they’re full of trouble.”

After retiring from more than 20-plus years on the bench, Archie returned to practicing primarily criminal law. As a prosecutor, when I encountered him in courtrooms again he would joke, “Are you going to beat up on me in here like you did on the basketball court?” Off the record, he would shake his head and say of his clients, “I don’t know what some of these guys are thinking.” Yet, once on the record, he fought for each of them with everything he had.

I could write about “Archieisms” all day, but I will close with this: The world—and Flint, Michigan—are better places because

Archie Hayman walked among us. I saw him many times strolling down Saginaw Street for lunch, wearing some kind of signature headwear, looking like any ordinary person. Even as a Circuit Court Judge with secured parking, Archie always parked in the regular employee lot, forever humble. Archie Hayman — gone but never forgotten.

Thank you to the Genesee County Bar Association staff for asking me to write this tribute. It is an honor to celebrate the life of a true pillar of Genesee County legal history. **BB**



On Friday, May 2, 2025, the Mallory, VanDyne & Scott Bar Association and the Genesee County Bar Association sponsored a luncheon to honor the memory of Judge Archie L. Hayman. His widow, Mrs. Tonya Hayman, was presented with a plaque. An enlarged image of the plaque is pictured on the right.



The late Archie L. Hayman seated on the bench, presiding over his courtroom at the 7th Circuit Court.

7th Judicial Circuit Court Genesee County Youth Day

On April 24, 2025, the Genesee County “Take Your Child to Work Day” was held with many county offices and departments participating.

The 7th Judicial Circuit Court welcomed youth to the Courthouse and linked the event with the May 1, 2025 Law Day theme of “Out of Many, One.”

The youth participated in a dialogue about what the theme is intended to communicate and how it applies to each of their lives.

Judge B. Chris Christenson and Judge Dawn M. Weier opened their courtrooms to share about the duties they perform as Judges and the role of the Court in society.

Booklets containing a copy of the U.S. Constitution and other historical documents were given to each of the youth, as a reminder of their significance to the development of the United States.

The Genesee County Bar Association and Genesee County Bar Foundation applauded the willingness of the Judges to introduce the youth to the important contributions of the judiciary as part of the events leading up to Law Day 2025. **BB**



Judge Christenson posed behind the bench with many of the young participants, as well as a participating pup.



Judge Weier smiled alongside two participants who held up their copy of US Constitution.



The copy of the US Constitution that was distributed to participants.



Parents joined their children in a courtroom during the day's festivities.

The Next Generation: Mock Trial Experience

By Shayla D. Blankenship

In late 2024, I responded to a notice from the GCBA seeking an advisor for a mock trial team for the Flushing High School (FHS). I worked with a teacher, Amanda Fairchild, to prepare the students for the mock trial competition. The mock trial focused on a murder case stolen from local headlines from a few years ago.


The students began working on the case, being assigned various roles and responsibilities. They learned all aspects of litigation from opening statement to closing argument, and direct and indirect questioning techniques. Near the end of their preparation, we began working on evidentiary objections.

As the time came for them to compete in the local regional competition, we learned that there was a hefty entrance fee for the competition, and it appeared as if they would not get to compete. There was not enough time to try and raise the sum of money needed, and there was significant red tape to raise money for a group defined as a school club. The obstacles continued to compound in that the school had informed us that FHS would not provide transportation to a competition for a school club. That's when I reached out to our county court staff and administration, and began to try and salvage the competition. The students had worked so hard for months and I wanted them to have the opportunity to compete. Not only were the students able to compete, but they got to do so in their own county.

Judge McDowell, and his wonderful staff, graciously agreed to allow us to hold the competition in his courtroom.

Judge McDowell allowed us to take an entire afternoon for the competition, and agreed to preside over it. With the help of Jill Bade, Juvenile Services Supervisor, we were able to secure jurors for their competition as well. The students got to meet court clerks, law clerks, probation officers and tour the courthouse.

Most of the students had never been in the courthouse. Several of my colleagues and friends took time that afternoon to come up and introduce themselves to the students, answer their questions and get to know them. After the competition the students were able to ask Judge McDowell questions as well. It was a truly wonderful experience for them and I think the adults that chose to participate also enjoyed themselves. While it was a time investment on my part, it was one I enjoyed. I took great pride every week in their development, their thoughtful questions and their dedication to the exercise.

Should you have an opportunity to ever assist in a mock trial, I recommend you give it a chance. It's very rewarding, for all involved. 



Shayla D. Blankenship



Flushing High School students posed on the courthouse stairs during their Mock Trial Experience participation.

Opening the Doors: Why Attorneys Must Make Room for Law Students

By Julie A. Winkfield

This past April, I was one of five Michigan State University College of Law alumni panelists welcoming newly admitted law students. The experience was as energizing as it was enlightening. The students came with thoughtful questions, eager to understand what would shape their law school journey and beyond. “What was pivotal in your choice to attend Michigan State?” “Which classes were most important or transformative?” “How does your prior work experience shape your legal career?” These questions weren’t just about logistics; they were about identity and purpose. In effect, they were asking: What kind of lawyer can I become, and how do I get there?

Bring Your Whole Self

The legal profession doesn’t require you to leave who you are at the door—it requires you to bring your whole self, and allow life experience to inform your dedication to the profession. Lived experience, past careers, and even your struggles all inform the kind of attorney you will become. Being a lawyer is not about fitting into a mold; it’s about meaning-

fully contributing your unique perspective.

Each panelist brought something valuable to the conversation. The Honorable Judge Kimberley Wiegand shared her journey from attorney to judge, emphasizing the importance of community service and that her role as a District Court judge is an extension of that commitment. Jacquelyn Kmetz, a subject matter expert in education law, spoke about carving out a niche and the power of specialization. Elaine Barr spoke about the importance that mentorship played in her law school experience, and how she prepared for her career as a Supervising Attorney at a Legal Aid organization. Thomas Coke shared his experiences working as an attorney to help start-up companies with their business requirements, and as an MSU Law faculty member teaching entrepreneurial lawyering. I shared what a day in the life of a public interest attorney looks like—and why that path requires resilience, purpose, and compassion.



Julie A. Winkfield



From left, panelist Elaine Barr, Supervising Attorney of Legal Services of South Central Michigan, speaks to students as other panelists listen. Next to Elaine are Thomas Coke, Director of Sales for EQPD, and faculty member of MSU College of Law; Jacquelyn Kmetz, Education Attorney at Abdnour Weiker, LLP; Judge Kimberley Wiegand, 41A District Court (Sterling Heights); and Julie Winkfield, Staff Attorney at Legal Services of Eastern Michigan.

One theme emerged again and again: the importance of listening. Not just hearing—but really listening—to clients, colleagues, and the world around you. As I told the students, don't aim to be interesting, aim to be interested. Be open and be teachable. That's how you grow—not just into a good lawyer, but a great one.

The Power of Visibility and Representation

Many of the newly admitted students were first-generation law students—pioneers in their families with no blueprint to follow. Some of us can relate to the challenges facing young lawyers, particularly those who entered the profession without a mentor or role model. We have the ability to help ease that journey for others by creating opportunities and making space. While networking can be intimidating, it remains a critical component of professional development, as access to opportunities in the legal field often depends on the strength of one's relationships and connections.

Networking can be challenging, especially for young lawyers just starting out. Still, it's a vital part of professional growth, as many opportunities in the legal field hinge on strong relationships. We've all been in that early stage, and by creating space for others, we can help ease the path for the next generation of legal professionals. Genesee County Bar Association members are encouraged to open your doors to law students, consider some of these methods:

- Take a summer intern
- Offer a job shadowing opportunity

- Supervise a clinic student or extern
- Accept a law student's request for an informational interview

Many law schools, including Michigan State University College of Law, offer credits for externships and clinic placements, and students are hungry for opportunities that give them real-world legal experience. These opportunities don't just benefit the students. They benefit the profession. A fresh set of eyes may tune-in to an innovative approach. A curious intern may challenge outdated practices or bring energy to tedious tasks. They may also remind you of why you started your journey into the legal profession.

The Practice of Law is Just That—A Practice

Law is called a “practice” for a reason. It's never static. The legal profession changes daily, shaped by new statutes, evolving case law, and shifts in societal values. The demands on lawyers also evolve as people and communities face increasingly complex challenges. That's why supporting a law student's development is an investment in the future of the profession. It's a commitment to ensure our legal system continues to be dynamic, equitable, and deeply human.

So this summer—or next semester—consider making room. Whether in your firm, agency, or courtroom, offer a law student the chance to observe, contribute, and learn. Encourage them, teach them, and listen to them. In doing so, we not only shape better lawyers—we strengthen the profession itself. **BB**



Panelists respond to student questions.

Digital File Archives for Succession Planning

By Ryan Zuwala with John Kalo

As a member of the Genesee County Bar Association, Attorney John Kalo, has heard repeated concerns among fellow practitioners about the growing responsibilities related to archiving client files—especially in light of Michigan’s Rule 21, which now requires all active private practice attorneys in Michigan to designate an interim administrator and identify a person with knowledge to assist if they become unable to practice law. Because cloud-based services are often promoted as a modern solution to file management, Attorney Kalo felt that this topic deserved attention.

Attorney Kalo’s conversations with Ryan Zuwala, an IT professional, produced insights on digital archiving, and how issues regarding digital archiving also intersect with broader concerns around disaster preparedness and client service.¹ As noted in a recent Michigan Bar Journal article, “Digital files mean quick access to client information. That instant access impresses clients, giving them the security and confidence that you are up to speed on their matter.”²

With their discussions in mind, Attorney Kalo asked Ryan Zuwala, an experienced professional in this area, to share his expert perspective in the following article, on how attorneys can build durable and responsible digital archives without compromising security.

Are you planning to retire in the not-too-distant future? The State Bar of Michigan has a requirement now for attorneys to plan for a successor to receive and retain custody of documents from previous cases. This protects clients in the event of an attorney’s retirement or any other circumstance that permanently ends the attorney’s ability to practice law. This article will be of particular interest to attorneys with a lot of paper files, as this new rule imposes an additional step they must take before retiring.

In addition to the mandatory steps of naming an Interim Administrator and Person With Knowledge, it is also prudent to develop a solid plan for the person(s) you named to be able to access your old documents and records. The sooner



John Kalo



Ryan Zuwala,
IT Professional

this plan is put into motion, the smoother the transition will be when it comes time to retire. The best way to accomplish this is to create a digital archive. By this, I mean you’ll scan all your paper files into a digital form, so they can be kept in a safe location, neatly organized and easy to find.

Why is this important? Imagine you are a personal injury attorney, and you represented a client 20 years ago, who to this day still has complications stemming from their injury. If that former client called your successor long after you’ve retired, asking for an insurance document from their case file, would your designated person(s) know how to quickly access it? Or would they need to dig through boxes of old paper files and hope they get lucky?

Of course, to construct a usable digital archive, the first step is to begin scanning all your paper files. This step is by far the most tedious. The problem is that you likely have thousands of documents, all of which need to be grouped by client. A typical flatbed scanner won’t do, because it can only scan one sheet of paper at a time. And the built-in document feeders on many multi-function printers can only take so many pages in one scan job. I recommend that you invest in a heavier duty scanner designed for this monumental task. Otherwise, scanning box loads of paper files accumulated over decades will take forever.

There are high speed scanners out there that can scan 45 pages per minute or more—with double-sided capabilities! The software that comes with these scanners will be of great assistance in helping you to organize all your newly scanned documents into folders by client name. Your firm may be able to rent these scanners for a monthly fee. But given the time needed to scan all your old files, as well as any new files that come in before you retire, it may be more cost effective to buy the scanner outright. You can always arrange to resell the scanner to your successor, who will be subject to the same record keeping requirements as they practice law.

Once all your paper documents are scanned and organized, the next step is to determine how to store them safely and securely. There are two schools of thought when it comes to digital storage—online storage and offline storage. Online storage refers to “cloud” storage, or keeping your files stored in a private account on the Internet. Offline storage is keeping the files stored on your own hard drives.

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There is a lot of marketing buzz around online storage. However, the monthly fees for cloud related services can get rather expensive. Since the purpose of this archive is just for the rare rainy day, spending money every month on a cloud storage subscription does not make fiscal sense. If your documents are sitting up there in the cloud and hardly (if ever) accessed, that monthly spending is wasteful spending. And if you cancel your subscription, you may very well lose access to those documents. Also, cloud services are a big target for hackers these days. Cloud security has improved considerably over the years, but you are still forced to trust a third party to keep your confidential files safe.

Offline storage is better suited for this purpose. These days, the cost of commodity hardware has been on a sharp decline. I recommend that you purchase at least TWO external hard drives and store your documents on them. External drives come in all shapes and sizes, but they also have small devices that are about the size of a deck of playing cards. You simply plug the external drive into your computer, and you can save your scanned files onto it. You should get at least two drives, because they are inexpensive and you always want to have at least one backup. Better yet, hedge your bets and buy three.

Once the files are saved on your external drives, and you've verified that all your external drives contain exact duplicates of your files, it's time to distribute them. I strongly recommend that you store the individual drives in separate physical locations. You could keep one drive at home, preferably in a fireproof safe. Then you could give the other one to a trusted colleague, or place it in a safety deposit box at the bank, etc.

With your digital archive constructed and safely stored, you can safely shred all your paper originals if you wish to do so.

In summary, building a digital archive and instructing your successor on how to access it will make for a smooth transition as you prepare to retire. The best course of action is to begin this process as early as possible, and to keep your staff and successor informed, to ensure there are no roadblocks ahead as your retirement date approaches. It is a time-consuming and labor-intensive process, but the reward is well worth the effort. If you require any technical assistance with this, do not hesitate to contact a reputable information technology services company. **Bb**

Digital storage is related to Disaster Preparedness: <https://tinyurl.com/SBM-Disaster-Prep>

SBM Rule 21: <https://tinyurl.com/Rule21-article>

Endnotes

- 1 Blakey, Delaney. "Disaster preparedness." Michigan Bar Journal, March 2025, <https://www.michbar.org/journal/Details/Disaster-preparedness?ArticleID=5068>. Accessed April 28, 2025
- 2 Hathaway, JoAnn L. "Going digital: A law firm road map." Michigan Bar Journal, December 2021, <https://www.michbar.org/journal/Details/Going-digital-A-law-firm-road-map?ArticleID=4295>. Accessed April 28, 2025.

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If We Do Not Speak Now, When Will We Speak? Now Is the Time!

By Shelley R. Spivack



Shelley R. Spivack

Editor's note: This article expresses the viewpoint of the author to allow the expression of his or her independent voice, and does not represent the viewpoint of the GCBA. The GCBA is a non-partisan organization that values its diverse membership.

We are living in unprecedented times. Science is being crushed, history is being re-written, and innocent people are being whisked off the street by masked men and sent to pseudo concentration camps in foreign countries. It's up to us as lawyers to take a stand and fight to reclaim our country and our democracy.

But lawyers and judges are also being threatened. That's why we as lawyers must not be silent. As stated in the Bar Organizations' Statement in Support of the Rule of Law "Who will protect our bedrock of justice? If we do not speak now, when will we speak? Now is the time."

Below is the text of the ABA and Bar Organizations' statement. Read it and speak now!

We the undersigned bar organizations stand together with and in support of the American Bar Association to defend the rule of law and reject efforts to undermine the courts and the legal profession.

In particular, as outlined by the ABA:

We endorse the sentiments expressed by the chief justice of the U.S. Supreme Court in his 2024 Year End Report on the Federal Judiciary, "[w]ithin the past year we have also seen the need for state and federal bar associations to come to the defense of a federal district judge whose decisions in a high-profile case prompted an elected official to call for her impeachment. Attempts to intimidate judges for their rulings in cases are inappropriate and should be vigorously opposed."

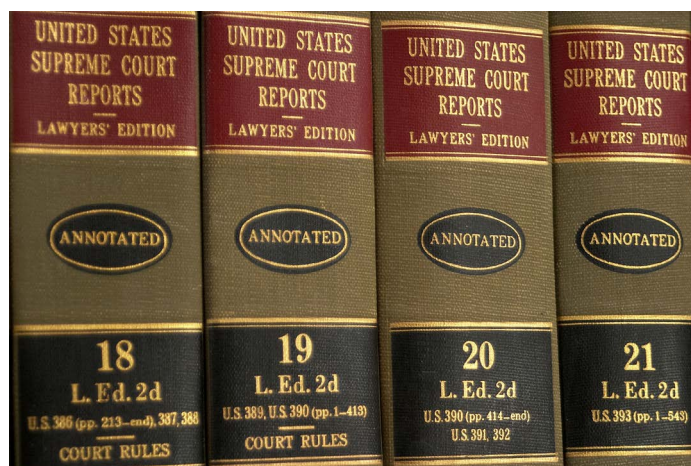
We support the right of people to advance their interests in courts of law when they have been wronged. We reject the notion that the U.S. government can punish lawyers and law firms who represent certain clients or punish judges who rule certain ways. We cannot accept government actions that seek to twist the scales of justice in this manner.

We reject efforts to undermine the courts and the profession. We will not stay silent in the face of efforts to remake the legal profession into something that rewards those who agree with the government and punishes those who do not. Words and actions matter. And the intimidating words and actions we have heard and seen must end. They are designed to cow our country's judges, our country's courts and our legal profession.

There are clear choices facing our profession. We can choose to remain silent and allow these acts to continue or we can stand for the rule of law and the values we hold dear. We call upon the entire profession, including lawyers in private practice from Main Street to Wall Street, as well as those in corporations and who serve in elected positions, to speak out against intimidation.

If lawyers do not speak, who will speak for our judges? Who will protect our bedrock of justice? If we do not speak now, when will we speak? Now is the time. That is why we stand together with the ABA in support of the rule of law. **BB**

<https://www.americanbar.org/news/abanews/aba-news-archives/2025/03/bar-organizations-statement-in-support-of-rule-of-law/>



Documenting Mediation Settlements

By Alan Himelhoch



Alan Himelhoch

All ten of my “Top Ten Tips for Mediators” are that once the parties reach a meeting of the minds, do not let them leave until they have signed a document. Almost without fail, if you let them leave, someone will move backward before any ink has spilled, wasting the session. Years ago, I brokered a mediation settlement between multiple parties with eight attorneys who were adamant that they would place their settlement on the record at an 8:30 am status conference the next day. Unfortunately, someone woke that morning with a very different understanding of the deal, and a trial date was set. Thus, especially where all sides have reached the end of their authority, patience with the process and/or their physical ability to negotiate, a mediator must “strike while the iron is hot” to paper the deal.

Interestingly, many mediators in the greater Detroit area will not draft mediation settlement documents, thinking that it is too risky. Regardless, a document must be signed, whether it is a term sheet or a full-blown settlement agreement. Pre-mediation, I advise counsel to forward any settlement language they will need inserted before the session or even to provide a proposed agreement with blank lines inserted. (Typically, the only specific language I ever receive is for waiver and release provisions). My

standard procedure is to draft the shell of a proposed agreement prior to the mediation session and then adjust it throughout the negotiations. Accordingly, when the parties settle, it does not take much work or time to provide a final document.

Some attorneys will *only* agree to sign a term sheet, arguing that any formal settlement agreement will take more time to digest, has to be approved “up the chain,” or because they really want to leave. Most term sheets only list the material terms of a deal and state that the parties will sign a formal settlement agreement later. The biggest danger here is that the term sheet can be rendered meaningless if it does not include language to the effect that the material terms listed are intended to be binding and enforceable upon the parties regardless of whether or not a formal settlement agreement is later signed. MCR 2.507(G) and a determination of whether a contract has been formed control this process.¹

Finally, it is a good idea, whether a term sheet or a formal settlement agreement is signed, to make sure that each party (along with the mediator) receives a copy of the fully executed document. This eliminates any future argument about the language in the version of the document that was signed. Hopefully these hints will help you gain the bliss of a settlement rather than the blast of an appeal. **B**

Endnote

- 1 *Kloian v Domino's Pizza, LLC*, 273 Mich App 449, 452-535 733 NW2d 766 (2006)



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Navigating the Digital Minefield: Protecting Yourself from Phishing and Scams

By LindaLee Massoud with Gemini AI



LindaLee Massoud

Imagine you received this email in your law office inbox. (Names have been changed to protect the innocent!)

From: Lucy Lawyer" <GCBA_President63201@gmail.com>

Date: March 31, 2025 at 11:13:10 AM EDT

To: Bob Boardmember

Subject: Expense Reimbursement Request

Hi Bob,

I hope you're doing well. I'm currently away from the office with limited phone access, and Tommy Treasurer is also unavailable right now. Would it be possible for you to assist with an expense payment while we're away?

Best regards,
Lucy Lawyer

Would you answer this email? If you did, you would have opened yourself to one of any number of malicious scams. How can we protect ourselves from these attempts?

- **Gemini AI continues the article.** The recent email incident, where board members received a request seemingly from the board president but originating from a fraudulent address, is a stark reminder of the evolving threats in the digital age. This incident likely stemmed from a phishing attempt, a common tactic used by cybercriminals to deceive individuals into divulging sensitive information or performing actions that compromise security.

Preliminary Explanation

This type of phishing often involves "spoofing," where the sender's email address is manipulated to appear legitimate. While the display name might show the board president's name, the actual underlying email address is different. Cybercriminals can also create near-identical domain names (e.g., "boardpresdent.org" [sic] instead of "boardpresident.org") to further deceive recipients.

Current Phishing/Scam Activities

Phishing has evolved beyond simple email scams. Here are some prevalent methods:

- **Spear Phishing:** Highly targeted attacks aimed at specific individuals or organizations, using personalized information to increase credibility.
- **Whaling:** Spear phishing attacks targeting high-profile individuals, such as executives or board members.
- **Business Email Compromise (BEC):** Scammers impersonate trusted individuals within an organization to manipulate employees into transferring funds or divulging sensitive data.
- **Malware Distribution:** Phishing emails or messages containing malicious attachments or links that install malware on devices.
- **Credential Harvesting:** Scammers attempt to steal login credentials for email accounts, online banking, or other sensitive services.

How to Recognize Scams

- **Verify Sender Addresses:** Always scrutinize email addresses carefully, looking for subtle misspellings or unusual domains.
- **Beware of Urgent Requests:** Scammers often create a sense of urgency to pressure recipients into acting quickly without thinking.
- **Check for Grammatical Errors:** Phishing emails often contain grammatical errors or poor syntax.
- **Hover Over Links:** Before clicking any link, hover over it to reveal the actual URL. If it looks suspicious, do not click.
- **Be Skeptical of Attachments:** Avoid opening attachments from both known and unknown senders or unexpected emails! The sender's computer might be used as a "zombie" to send out malware *in their name*. Double-check the authenticity of any unexpected file attachment before opening.

How to Minimize Computer Intrusions

- **Implement Multi-Factor Authentication (MFA):** MFA adds an extra layer of security by requiring multiple forms of verification.
- **Regularly Update Software:** Keep operating systems, browsers, and antivirus software up to date.
- **Educate Board Members and Staff:** Conduct regular training sessions on phishing awareness and cybersecurity best practices.
- **Use Strong Passwords:** Encourage the use of strong, unique passwords and a password manager.

- **Change Passwords Immediately:** If you suspect any unauthorized access or receive a warning about a potential compromise, change your passwords immediately for all relevant accounts.
- **Be Aware of “Zombie Computers”:** Malware can turn a computer into a “zombie,” allowing cybercriminals to control it remotely and use it to send spam, launch attacks, or steal data. If your computer is running slowly, exhibiting

unusual activity, or sending out unexpected communications, it might be compromised. Run anti-malware scans and seek professional IT assistance.

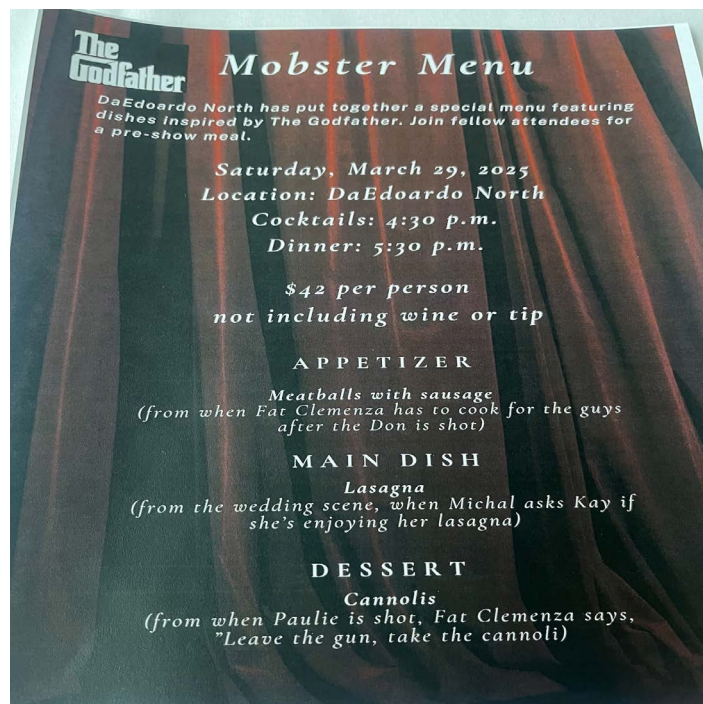
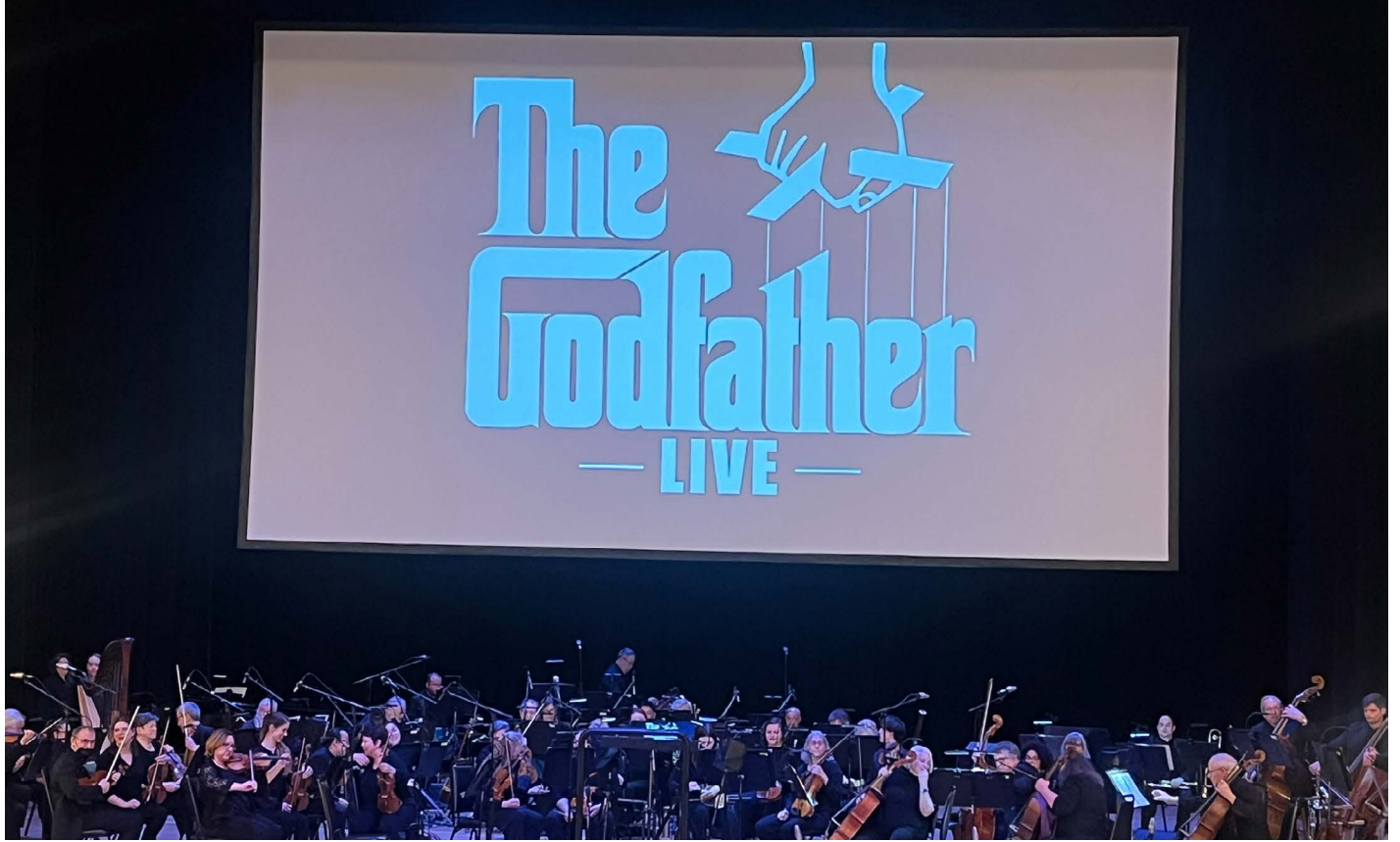
- **Regularly Back Up Data:** Back up critical data to an external location to prevent data loss in case of a cyberattack.

By staying vigilant and implementing these precautions, you can significantly reduce the risk of falling victim to phishing scams and other cyber threats. **BB**



The Godfather Live Cinematic Experience

To all GCBA members who accepted the offer that could not be refused and attended “The Godfather Live CineConcert” on March 29th at the Whiting Auditorium—these photos say it all: a fantastic time was had by all! Members embraced the evening with enthusiasm, some even dressing in theme-inspired costumes, while everyone enjoyed the unforgettable experience of watching the classic film accompanied by a live orchestra. It was truly a night to remember. GCBA members—stay tuned for the next special event! **Bb**



The Godfather Live Cinematic Experience



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