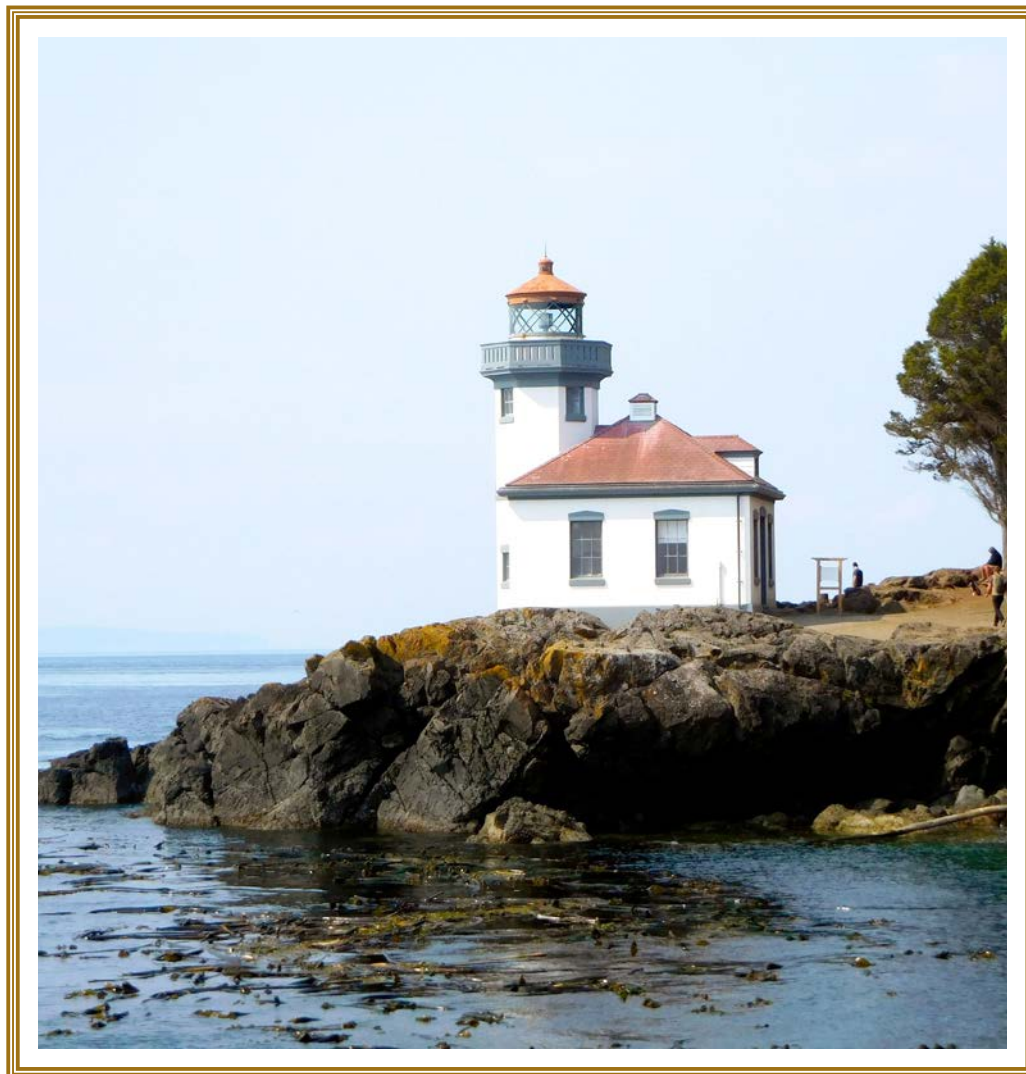


May/June 2019

BARBEAT

Genesee County Bar Association



A Letter from the President
Congratulations, Samantha Orvis
Whistleblowers and Public
Beware! Recent Court of
Appeals Opinion Decreases
Protection of Public
Crime Victim Advocate of the
Year Award Dr. Terri McCormick, DVM

UAW Local 598 Awarded the
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2019 Golden Apple Award
The Green Book Revisited

Amy K. Harris Criminal Law
Seminar
A Bit of Africa
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A Letter from the President

By Jessica J. Hammon, President



Jessica J. Hammon

Dear Members,

As my time as President is coming to a close it leads me to think about all of the accomplishments we have made during the last year. It truly has been a wonderful year at the GCBA and serving as President has been a great honor. In case you missed all the goings-on, here are some updates on YOUR Genesee County Bar Association.

We end this year with 503 members. We are always looking for ways to increase the membership and are actively discussing the creation of new membership categories. Some of these are very close to being finalized so be on the lookout for further announcements. We have been writing articles for Grand Blanc Living Magazine on a variety of topics, getting our name out there in the community. Our monthly membership meetings have been a huge success thanks to Vice President Sherri Belknap; these meetings are often live-streamed on our Facebook page – we are breaking into the digital age. The young lawyers, criminal defense bar, family law, and bankruptcy committees have consistently held productive and informative monthly meetings throughout the year. The Probate seminar went very well, and as always we expect a great turnout for the Amy K. Harris Criminal Law Seminar.

This year we certainly had our share of fun events as well! We served over 900 people at the Annual Holiday Dinner and had a great time doing it. The “Derby Nights” Barristers’ Ball was a fun-filled themed night out. We had

a blood drive where we donated 23 units of blood to the American Red Cross and a clothing drive where we provided clothes to the Catholic Charities Closet to help those in need with attire they can use for job interviews. The joint event with Inns of Court honoring SBM President Don Rockwell was a wonderful tribute to a great man. The *Night of Honor* for Judges Fullerton and Neithercut had so many in attendance we nearly needed a bigger space! The 41st Annual Golf Scramble, which will be held on June 17th, always proves to be an enjoyable event while also serving as the GCBA’s biggest fundraiser. Don’t forget that the golf outing also is an opportunity to give back by bringing canned goods for the Food Bank.

I, of course, could not leave without thanking all of you for everything you do for the GCBA. We all lead very busy lives and I appreciate the time you take to read articles like this one, attend events, and generously contribute to our goals. The board and executive committee I serve with humble me with their dedication and truly are individuals worthy of praise. Finally, I would like to thank the staff of the GCBA and the editorial staff of *Bar Beat*. These ladies by far do not get the credit they deserve for all of the work that they do. Without them, there would be no GCBA and no way for you to read the words I am sharing with you now. Next time you see your GCBA and *Bar Beat* staff, do me a favor and give them a very big THANK YOU (if you’re

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like me you'll give them a hug too) – trust me when I say they absolutely deserve it.

And in case you didn't know I will leave you with this – Immediate Past President is an actual position at the GCBA – for better or worse, I'm not going anywhere folks!

- In True Appreciation, Jessica J. Hammon

Congratulations, Samantha Orvis

By William J. Brickley

The Michigan Defense Trial Counsel (MDTC) has established an award for an outstanding young lawyer who exemplifies not only stellar legal skills and unquestionable ethics but a commitment to bar activities and community service. We are proud to count among our membership the 2019 recipient, Samantha Orvis, who practices in Grand Blanc with Garan Luow Miller.

While practicing in Genesee County can sometimes place excellent lawyers outside of the view of those who make these awards, Sam's accomplishments are such that she was difficult to miss. Genesee County-bred Sam graduated from University of Michigan – Flint, obtained her legal education at Wayne State, graduating Cum Laude in 2011, and then found work in the Detroit Metropolitan area. While doing outstanding work at Collins Einhorn she wanted to come home, and when an opportunity arose at Garan Luow she jumped at the chance. In a very short time, she established herself with clients, continued trying cases to the pleasure of her mentor (your author), was elevated to a Partner with the law firm, and gave birth to a beautiful baby girl.

Her greatest assets, though, lie in her constant desire and drive to serve the legal community and to raise the standards for lawyers. She has been a member and actively

participated in at least 6 different bar associations, including the GCBA. What she exemplifies most is a deep respect for the law, for civility, integrity, and for zealously representing one's clients. Congratulations to you, Sam, very well deserved!



Samantha J. Orvis



(Left to right) Josh Richardson, President of Michigan Defense Trial Counsel, Oakland County Circuit Court Judge Denise Langford Morris-recipient of the Judicial Excellence Award; Cheryl Chandler-recipient of the Excellence in Defense Award; Samantha Orvis-Recipient of the Golden Gavel Award; and Richard Paul-Immediate Past President of the MDTC.



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Whistleblowers and Public Beware! Recent Court of Appeals Opinion Decreases Protection of Public

By Tom R. Pabst



Tom R. Pabst

The recent Court of Appeals Opinion of *Rivera v SVRC Industries, Inc.*, COA No. 341516, April 4, 2019 (for publication) has decreased the protection of whistleblowers, and thereby the protection of the public at large. Who is this going to affect? All of us!

Michigan's Whistleblower Protection Act ("WPA"), statute was passed in 1980 as a safety and anti-fraud measure to protect the public from consuming adulterated food products, which actually occurred when an employer mistakenly mixed fire retardant (PBB) with cattle feed, and members of the public consumed products from that cattle. Employees of that employer knew about the contamination but were afraid to speak up for fear of being fired and losing their jobs/livelihood. (<https://tinyurl.com/PBB-MICH>)

Michigan's Legislature recognized the problem and acted swiftly to pass the "WPA", MCLA §15.361. The idea was for Michigan to protect those who risk everything to do the right thing and warn the public. Since then, the law has been "construed liberally" to give its fullest meaning and intent. *Dolan v Continental Airlines*, 454 Mich 373, 378-379 (1997). This rule of statutory construction has since been followed by our courts interpreting the WPA. *Phinney v Perlmutter*, 222 Mich App 513, 555 (1997). This decision is subject to a number of criticisms.

First, in *Whitman v. City of Burton*, 493 Mich 303, 311-313 (2013), the Michigan Supreme Court held that there was to be no "judicial legislation" of the clear and unambiguous text of the WPA. In other words, no new phrases or rules were to be written *in* to the text of the statute, or to be written *out* of the text of the statute. However, this new decision writes in a new requirement of being "first one in time" to speak up about the "as yet hidden" matter. This language is found nowhere in the text of the WPA statute, and only gets into the WPA text "through *Rivera's* novel interpretation of the word 'report.'"

Second, the same question of reporting to an employer who already knows has already been decided by the Michigan Supreme Court. *Debano-Griffin v Lake County*, 493 Mich 167, 178 (2013). There, the employer was the wrongdoer, and obviously knew what it did was wrong before any employee reported it to the employer. The Michigan Supreme Court held that an employee was a whistleblower even though the employer knew about the wrongdoing. However, in *Rivera*, now nobody could be "first" in time because the wrongdoer employer will always know what they are doing before a whistleblower, such that the wrong will not be "as yet hidden." This loophole eliminates the protection the legislature originally intended.

Third, under *Rivera*, only the first one to report will be afforded protection under the WPA. This creates a real dilemma as an employee would never know if another had spoken up first, and will be reticent to speak up at all – exactly the opposite conduct the WPA was intended to encourage. This uncertainty will definitely have a chilling effect upon putative whistleblowers.

Fourth, established statutory rules of construction require the WPA statute to be construed "remedially" and "liberally." *Phinney, supra*. This new decision construes "report" narrowly, which decreases protection and instead increases barriers to protection of the public. *Dolan, supra*. It creates risk and uncertainty for brave employees where none existed before. Whenever the employees are afraid to speak up, the public suffers.

Employees with the courage to report violation of pollution, poisoning and other laws will have no protection and, therefore, likely won't report any such violations for fear of losing their jobs. This chilling effect is 100% contrary to the legislative intent to protect whistleblowing employees, and ultimately to protect the public.

So, how can this be corrected so the employees and the public of Michigan regain the protection the Legislature wanted them to have?

The future safety and health of all of us – the public – depends on the Michigan Supreme Court reversing this new *Rivera* decision. It is inconsistent with the clear and unambiguous language of MCLA §15.362, numerous published opinions, and the purpose and intent of increasing protection to those who protect us. The future safety and health of all of us – the public – depends on it.



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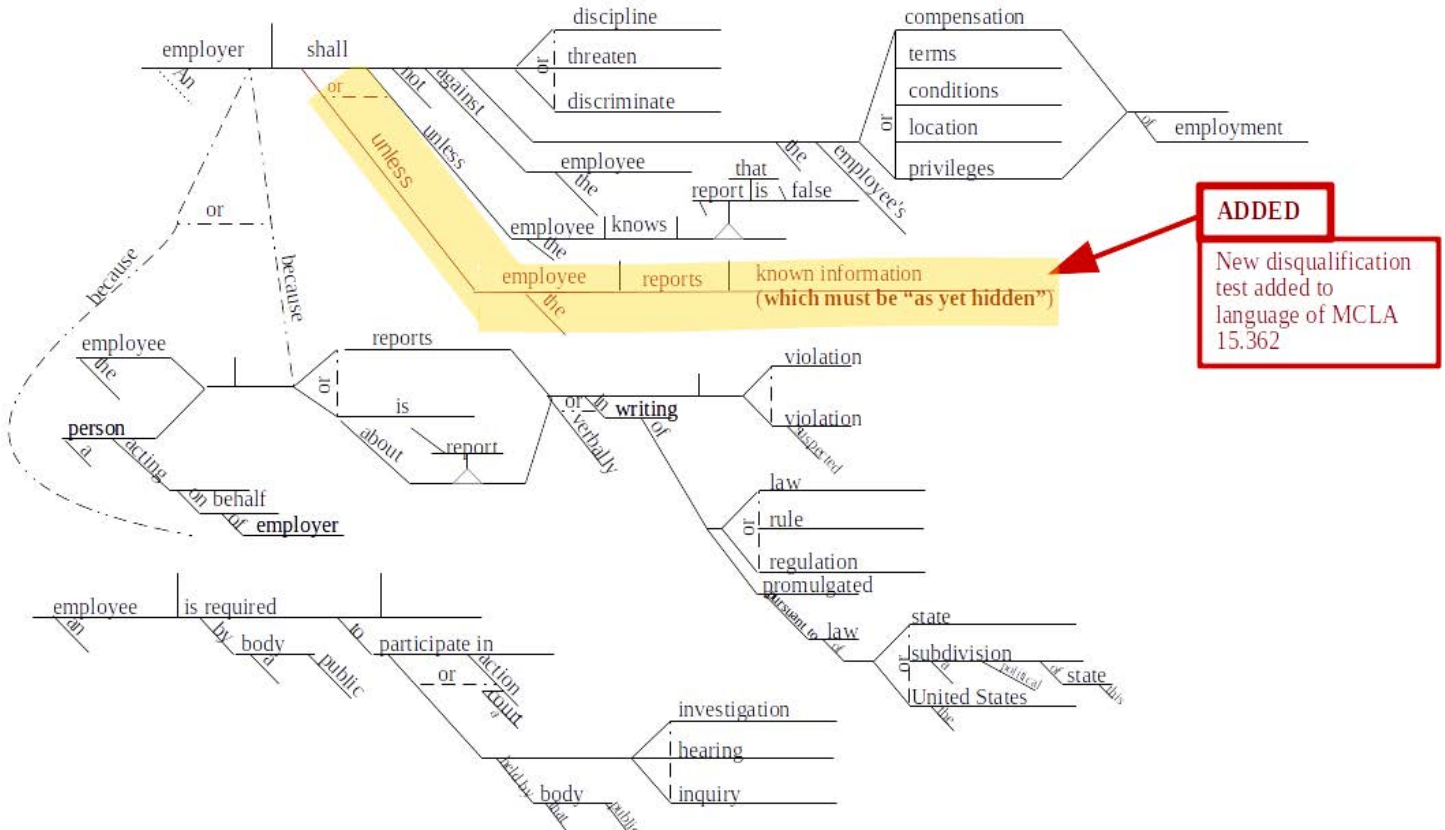
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HOW THE RIVERA DECISION ADDS LANGUAGE TO MCLA 15.362:



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Crime Victim Advocate of the Year Award

Dr. Terri McCormick, DVM

By David S. Leyton, Genesee County Prosecutor

Each year, the Bar Association asks me as the Genesee County Prosecutor to select someone to honor as the Crime Victim Advocate of the Year.

This year, I selected someone who deals with victims who cannot speak and who cannot tell anyone how they ended up with broken bones, horrific wounds, or were starved almost to the point of death.

The Crime Victim Advocate honoree this year is Dr. Terri McCormick, the Veterinarian for Genesee County Animal Control.

Dr. McCormick spends many hours treating victims, putting together reports, and documenting every detail of the treatment and recovery process because she knows that this is probably the only way to bring the perpetrators to justice. Her work and service to animal victims is performed with professionalism, dedication, and attention to detail that is second to none.

Dr. McCormick has testified in many of the criminal cases of animal cruelty charged by the Prosecutor's Office and is always available to discuss issues and answer any questions prosecutors have as they prepare a case for trial.

Recently, Dr. McCormick was involved in the investigation and prosecution of a dog-fighting ring involving nine dogs. These nine dogs came to Animal Control all at one time and

Dr. McCormick treated them, spent hours documenting their injuries, wounds, and illnesses, and provided the evidence for the Prosecutor's office to charge the perpetrator with eleven counts of animal fighting, cruelty, torture and neglect.

The animals she treats may only be able to express their thanks through tail-wags and face-licks, but today we thank Dr. McCormick with this award.

For her selfless dedication to our four-legged friends and her passion to seeing justice through, it is our privilege to present this year's Crime Victim Advocate of the Year Award to Dr. Terri McCormick.



Dr. Terri McCormick and David S. Leyton

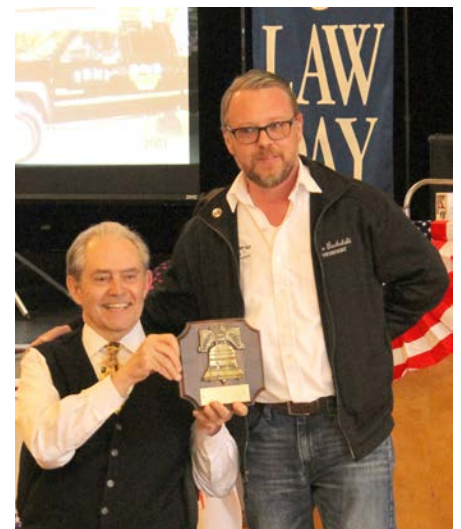
UAW Local 598 Awarded the Liberty Bell for 2019

By Hon. Duncan M. Beagle

UAW Local 598 represents hourly workers at GM Flint Assembly. They build the best trucks in the US. 598 is called the "Local Union with a Heart." Their slogan is, "Working Hard and Giving Back." 598 is actively involved in the following: Toys for Tots, Soberfest Summer Picnic, Polar

Plunge to raise monies for Special Olympics, Adopt a Highway, adopted Brooke Park in Flint, Breast Cancer Run/Walk Fundraiser and much more. Congratulations to 598, the Local Union with a Heart. The award was accepted by Local 598 President Ryan Buchalski.

Judge Beagle with Ryan Buchalski



Mallory VanDyne Scott Bar Association Awards Two Essay Contest Scholarships

By Torchio W. Feaster



Torchio W. Feaster

At the Genesee County Bar Association's Annual "Law Day" Celebration on April 25, 2019, the Mallory VanDyne Scott Bar Association awarded two essay contest scholarships. Mallory's scholarship essay contest is an annual contest that has awarded scholarships to graduating Flint high school seniors since 2009. In 2016, the scholarship was opened to graduating high school seniors throughout the county.

This year's essay topic was: "What impact, if any, do you believe the #Metoo movement will have on the future of politics in the United States?" In order to be considered

for the scholarship the high school senior must mail in an essay on the selected topic that is no more than 500 words in length.

This year the scholarship committee selected two winners: Cara Drew, a senior at Powers Catholic High school who plans to major in education, and Timothy Johnson II, a senior at Genesee Early College who plans to major in Biochemistry and one day become a medical doctor. Mallory is proud to have awarded a scholarship to both of these young people and to help further their dreams of higher education.

2019 Golden Apple Award

By Sherri L. Belknap

On April 26, 2019, the Genesee County Bar Association awarded Dr. Beverly Walker-Griffea, President of Mott Community College ("Mott"), with the Golden Apple Award which is awarded to an outstanding educator who is recognized for the habit of offering professional guidance and advice to students and fellow teachers. Further, the recipient is recognized as a role model who volunteers for worthwhile community projects.



Dr. Beverly Walker-Griffea

Dr. Walker-Griffea is the seventh president, the first African-American president, and the first female president of Mott. Since joining Mott, Dr. Walker-Griffea and Mott established new programs to reduce enrollment and retention barriers, including, creating a program that

allows incarcerated individuals to attend college. Under her leadership, Mott was selected by the Aspen Institute's College Excellence Program as one of the nation's top community colleges.

Not only does she serve Mott; she serves as Immediate Past President for the American Association for Women in Community Colleges, as a member of the American Association of Community College ("AACC") Board of Directors, Chair of the AACC College Readiness Commission, and Chairs the Oklahoma State University Division of Institutional Diversity Advisory Council.

Dr. Walker-Griffea also serves our community. She serves on the Board of Directors for the Greater Flint Health Coalition, McLaren Flint Hospital, Carriage Town Ministries, Metro Community Development, and the Michigan Community College Association. Further, she is a member of the Flint & Genesee Chamber of Commerce, Alpha Kappa Alpha Sorority, Inc., Flint Rotary Club, and the Flint Chapter of NAACP.

As you can see, Dr. Walker-Griffea is a worthy recipient of the Golden Apple Award. We are very fortunate to have such an educator as a part of our community.



Sherri L. Belknap

The Green Book *Revisited*

By Robert M. Crites

The movie, *The Green Book*, won the Academy award for best picture this year. It tells of Don Shirley, a brilliant¹ pianist, composer, and leader of the Don Shirley Trio, and his tough Italian-American chauffeur, Tony Lip, a bouncer from the Copacabana, and the experiences they encountered during a concert tour throughout the South in the year 1962. At that time accommodations available for African Americans were very limited, and the *Green Book* listed hotels, motels, restaurants, etc. available for their use. Shirley is played by Mahershala Ali (who won an Oscar for Best Supporting Actor) and Tony Lip is played by Vito Mortensen. As it turns out Mr. Shirley's problems were not limited to the South.

I was working in the Genesee County Prosecutor's office in 1965. The office was very small by today's standards. There were seven or eight assistant prosecutors, and as a result, we each covered multiple aspects of the Prosecutor's responsibilities. I handled criminal and paternity cases in Circuit Court, preliminary exams, and juvenile cases. I also handled misdemeanors which were tried in Justice of the Peace court, usually in front of a jury. It was a great experience.

There was one additional thing that most of us did from time to time, and that was to cover the desk in the lobby. There was always a secretary there to handle routine inquiries, but people often came in with complaints that they thought required some kind of prosecutorial action, and when they did, an attorney was there to handle the matter. I was sitting at the front desk one afternoon when an African American gentleman came in with a complaint that he had been harassed and forced to leave a local bar.

He was wearing a cap with a shiny bill and gold braid of a type that would be worn by a military officer. He was also wearing a pullover trimmed in fur that was open at the neck with an ornate shirt underneath. He was extremely articulate, soft spoken, and had just a slight accent which I couldn't place.

While I was attending law school in Ann Arbor, I dated a girl for a while who had a record player and a collection of records. One was a 33 1/3 LP recording by Don Shirley Trio. One of the cuts that I really liked was "Water Boy."

I started filling out the form and asked his name, and to my surprise, he replied, "DON SHIRLEY." I asked him if he was the Don Shirley whose music I was familiar with, and he told me that he was, and that he was in town to perform a concert at the Art Center.

I contacted Prosecutor Leonard and told him who was in the office and the nature of his complaint. Leonard

had no idea who he was, but I assured him that the guy was famous. Leonard decided, given the circumstances, we should do everything we could to address his complaint. We documented the details of the incident and contacted the Michigan Civil Rights Commission on his behalf. He seemed to be pleased with the way we handled the matter, thanked us, and invited us over to the concert. I went, and it was great. I never heard whether there was any follow up to the complaint by the Commission. Small world.

It was obviously a very good movie. It depicts an era that many of the younger members of the Bar have never experienced.



Robert M. Crites

Endnote

- 1 He started playing piano at age two, had his first public performance at age three, began studying music theory at the Mitto-lovski Conservatory in Leningrad at age 9, made his debut at age 18 with the Boston Pops Orchestra, at 21 years his first major composition was performed by the London Philharmonic Orchestra. He then obtained doctorates in music, liturgical arts and psychology from the University of Chicago (Phi Beta Kappa), performed with symphony orchestras all over the world, and for approximately two decades entertained as part of the Don Shirley Trio. He lived in an exquisite apartment above Carnegie Hall (The only other person to do that was Leonard Bernstein). He died in 2003.



Welcome New Member

Attorney: Brandon Allan Karana
Employer: Self-employed
Undergrad School: Oakland University
Law School: WMU Thomas M. Cooley Law School

Amy K. Harris Criminal Law Seminar

By Jessica R. Mainprize-Hajek



Jessica R.
Mainprize-Hajek

I am excited about Amy's Seminar this year. Every year, we try to put on a seminar in Amy's honor that's specifically relevant to criminal defense here in Flint -- this year is no exception. We have all seen an influx of Criminal Sexual Conduct (CSC) cases so we have devoted a whole morning to *Lisa Kirsch Satawa* (referred to as the CSC guru), to present on specific issues relating to CSC defense. Our very own *Judge Joseph Farah* has graciously agreed to liven up our seminar with Evidence Jeopardy and, in this social media obsessed world, to also discuss admitting digital evidence. After receiving such an awesome response last year, we brought back *Steve Fishman* – this time to present on cross examining snitches. *Anne Yantus* will update us on important sentencing considerations. Finally, *APA Mike Tesner and I* will discuss how we can make sure to protect the record for our clients.

Now, we all know that the Genesee County Public Defender System has been a leader in setting the standards

required for court appointed attorneys. For years now, 12 hours of annual CLE has been required to remain on our public defender list. Public Defender Administrator Barbara Menear has given her approval on Amy's Seminar toward fulfilling that requirement. The MIDC has officially adopted the same CLE requirement for all of Michigan. The benefit of having this statewide requirement, to which Genesee County already adheres, is that we public defenders will get help with the costs of the CLE. MIDC funding now pays up to \$150 of registration fees for court appointed lawyers! If you are currently on the appointed list in Genesee County, the cost of Amy's seminar will be covered.

Register for Amy's Criminal Law Seminar at www.gcbalaw.org.



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A Bit of Africa

By Edward G. Henneke

Have you ever thought of traveling to Africa?. Did you imagine trekking through heavy jungles faced with ferocious beasts? Well, I went and found a land rich in scenery, animals, birds, and very nice people, and no jungle.

My objective was to go on a photography safari. However, I found much more than I had imagined!

Our 11-day trip commenced in Detroit, proceeded to Amsterdam, and finally to Kilimanjaro Airport in Tanzania, a 22-hour flight. Our travel was principally in a Land Rover with the top cut off and raised so that one could stand inside the vehicle and take photographs. We remained in the vehicle for safety and relief from sun or rain. We were totally dependent upon our guide.

We scheduled the trip in May, between the rainy and drought seasons, which is also the migration season for many animals. We saw animals covering the horizon from east to west in the Serengeti. We traveled to four different game preserves and saw many types of animals, some of which we had never seen before.

The people who live in the area are Masai. They are extremely decent people who were there to serve and protect us. Our customary greeting each morning and in passing was “Jumbo” meaning “hello.” Their wardrobe was extremely colorful. Our driver/guide was also Masai. He could see animals a mile away and tell us exactly what they were. I had trouble finding what he was looking at, let alone knowing what I was seeing.

During the day almost all of the animals lived in harmony; however, at night fall, it was

a different story. Some animals were the food for others. In fact, during our trip, we saw at least four kills of one animal by another. The carcasses were cleaned up as soon as the kill was complete by huge buzzards with 15 foot wingspans and standing four feet tall.

Our first stop was Arusha National Park for a full day of viewing the wild life: baboons, African buffalo, dik-diks, giraffes, various monkeys, warthogs and zebras, all on that first day. We had sore necks from gawking. I was simply amazed at what we saw; all out in the open!

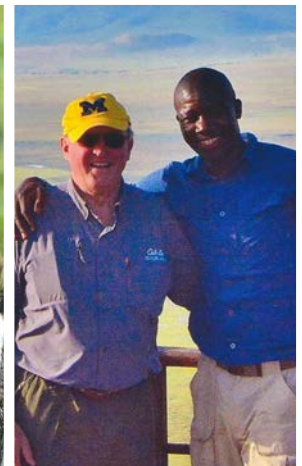
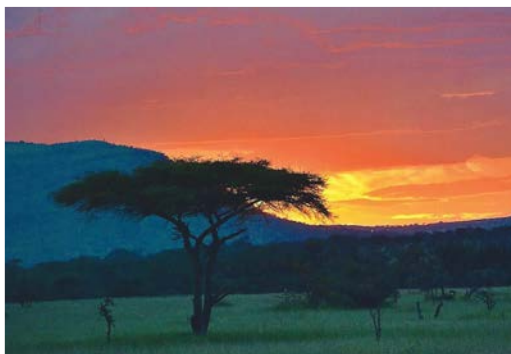
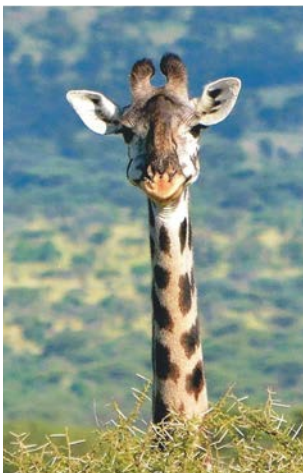
Next was Tarangire National Park, again, with a full day of game viewing. We saw additional animals such as elephants, gazelles, wildebeests, impala and six lions. At night, we stayed in tents at Tarangire and remained there for three days. The second day, we saw thousands of water buffalo, jackals and four lions and on the third day, we saw even more animals.

At Karatour, we overnighted and then proceeded to the Serengeti. We remained there for two days viewing even more animals including elands, hippos, hyaenas, one leopard, 12 lions, and topi; the hippos were a new sight. On our last day in the Serengeti, we saw bushbucks, camels, gazelles and for the first time, rhinos, and cheetahs. Of course, my finger was getting sore from taking pictures.

Our next stop was Ngorongoro conservation area and its crater, a world heritage site. This, again, was a vast area of mostly grazing herds. We saw unbelievable colored birds, most of which we had never seen before. In one tree we saw 15 female lions. We also saw spectacular views of the



Edward G. Henneke



territory and gorgeous sunsets. Often, we were hardly 10 feet away from the wildlife that we were photographing, but no one wanted to get too close to the rhinos, so we were ½ mile to a mile away. Once, leaving my tent in the morning, there were lion and hippo prints on the trail, only 25 to 50 feet from my tent. I often woke to the sound of lion roars or owl hoots, or simply the beauty of the morning.

The land is vast, topography mostly flat, with a mountain range to the North. We visited an extremely large crater

filled with animals different from those outside of the crater – the Ngorongoro Crater. Mount Kilimanjaro, 19,300 feet high was never seen because of cloud cover. Finally, on the way to the airport we saw a brief view of its snowcapped peak. This was the most unique trip I have ever been on. It was worth the preparation, anticipation and flight time. It was an unbelievable trip of a lifetime!!

So, You Wanna be a (fairly compensated) Public Defender . . .

By Glenn M. Simmington

Doing public defense work has always, it seems, been a labor of love. Love of the Constitution, that is, and what it means to our freedoms. And even now, as the work of Michigan's Indigent Defense Commission (MIDC) promises increased incomes for public defenders (among other worthy things, of course), it is up to public defenders to inform policymakers of where, and how, the compensation system comes up short. Absent such information, those policymakers will be enabled to continue dismissing public defense pleas for reasonable compensation, (i.e., in "parity" with that typically received by prosecutors.)

As is widely appreciated, public defense work can be a thankless job. The rewards of the job – in the past, in the present, and likely in the future – depend upon *three things*: Doing the job; being prepared to prove you have done the job; and hoping you'll be paid enough to keep doing the job.

The first of these, *doing the job* of protecting Constitutional rights, *your clients'* Constitutional rights, demands a certain attitude about the work: "don't take 'em to plead 'em; don't try 'em to lose 'em; and know that, perhaps too often, you'll do one or the other." But to do it right, and reap the (non-economic) rewards, requires that public defenders, as soon as possible following their appointment, demand information from the government; spot issues that may be "winners" at trial; and then meet with the client to discuss not only those issues, but also the issues the client probably does NOT have.

Once those preliminaries are done, public defenders generally know what to do. And to the extent that they wish to get better at knowing what to do, they'll find that the MDIC, CDAM, the Bar Association, and many other entities, are there to provide additional training.



Glenn M. Simmington

Follow these precepts, and when each client's individual case is finished, it will be – win or lose – a job well done.

Second, the well-rewarded public defender must be *prepared to prove he/she has done the job*. From the beginning of the representation, *keep track of your time!* It is, truly, your stock in trade. Regardless of whether the system pays for it (the task) or not, keep track of the time you spend doing it anyway. It doesn't have to be hard. If you have a smart phone, send yourself an email – actually, lots of emails – briefly describing what you did and how long it took you. Even if the activity is not billable, these emails, when later cataloged, can serve the job of providing metrics – for the MDIC, your local delivery system, and possibly others.

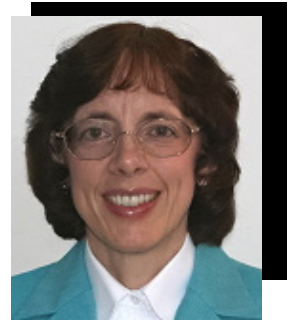
And now, about the money . . .

The *third* reward, related to the second, is to *realize the hope of getting paid sufficiently to enable you to keep doing the work* – now and in the future. *Insufficient* pay, of course, has long been the norm. But public defense work should not be, principally, "a labor of love." Nor should it occupy the lowest rung on the ladder of public expenditures in the criminal justice system. Historically, though, it has been both of those things. And sadly, without *collected data* – the metrics – from which policymakers can make informed and reasoned decisions about public defender compensation, it is likely to *remain* both of those things.

So, help the policymakers, the reform proponents, and yourself, by keeping track of your time, and making it available upon request to both the reform community, (MIDC, CDAM, as examples), *and* to the local delivery system that cuts your checks.-

I've Been Hacked! Now What?

By LindaLee Massoud



LindaLee Massoud

"We've taken over your server and locked your documents. Pay us €15,000 in cryptocurrency to get them back. As a gesture of goodwill and to prove we can give you the documents back, we will release two documents of your choice." <https://blog.avast.com/ransomware-attack-cautionary-example-from-small-business> (story of a hack)

What is Ransomware?

Ransomware is one of the many types of "malware" (destructive software programs) that can infiltrate a computer system and cause hardware or software damage. The two main types of ransomware will either lock down computer system access ("computer locker") or prevent access to the files and data ("data locker").

How is Ransomware Transmitted?

Ransomware can be transmitted by various "paths": email (links or attachments), website links, or even within a downloaded software program. Even an attachment from a known/trusted person should be suspect because many viruses surreptitiously send themselves back out through the user's contacts list. Unless the computer system is protected by multiple layers of security, the damage is only seen after malware is deployed and too late to stop.

How Can I Prevent It?

"An ounce of prevention is worth a pound of cure." The most successful way to prevent a ransomware attack is to stop it at the "door." Implement a firewall security plan that "sniffs the packets" (little bits of data crossing the Internet) and blocks them before they get into the system. A good security infrastructure is much more comprehensive than just a network firewall (and more expensive, of course). A networking specialist may not have adequate security skills, although a security person would have both. Of course, a well-designed and maintained plan is not inexpensive, but the cost of disaster recovery could be more significant and catastrophic to business.

Use the "belt and suspenders" approach. Create a layered approach to system protection. In addition to the preventive strong security plan, emphasize these actions:

- Implement, maintain, and regularly test a secure and encrypted backup system that includes off-site storage. Test the backups on a regular basis to ensure the integrity of the backup. Also create a disaster recovery plan.
- Use and regularly update a strong antivirus/malware program.
- Consider using a Virtual Private Network (VPN) to encrypt all Internet and network traffic.
- Keep the operating system up-to-date (security flaws are "patched" in the updates).
- Educate employees on safe "cyber-hygiene."

What If I Get Hit?

With ransomware, the first clue is probably the email message or notice that pops up on the screen indicating the existence of the problem.

1. Immediately disconnect all computers, servers, mobile devices, watches, and Internet-enabled devices from both the Internet and the network.
2. Do not copy or use any files from the entire network until they have been checked.
3. Contact the IT/network/security company immediately to review and initiate repairs.
4. The general recommendation is to *not* pay the ransom, but to depend on the good backup plan previously implemented.

"The system is only as strong as the weakest link."

Reference:

https://www.symantec.com/content/en/us/enterprise/media/security_response/whitepapers/the-evolution-of-ransomware.pdf



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