



Oakland County Legal News

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SHORT TAKES

Insurance requirements provisions in contracts focus of RBA meeting

The Rochester Bar Association will host its next meeting on Tuesday, Feb. 21, from 11:45 a.m. to 1 p.m. at Rochester Mills Beer Co., 400 Water St. in Rochester.

Michael S. Hale, of Michael S. Hale & Associates PLC, will speak about insurance requirements provisions in contracts. Hale works with attorneys both within and outside of Michigan on coverage issues including agent errors and omissions cases. He is also retained by companies both large and small to evaluate their insurance exposures and to assist in negotiating policy language and draft insurance requirements provisions. Hale will discuss insurance requirements provisions in leases and contracts and provide real-world examples, especially for those drafting such provisions.

For questions about the lunch meeting, contact RBA President Martha J. Olijnyk at 248-841-2200.

County seeking grant to help prepare for terrorism attacks

PONTIAC (AP) — Oakland County is seeking a federal grant to help prepare for coordinated terrorism attacks.

The Oakland Press of Pontiac reported last Friday that nearly \$685,000 is being requested from the U.S. Department of Homeland Security. More than \$350,000 would be used for training.

The funding is part of the department's Program to Prepare Communities for Complex Coordinated Terrorist Attacks. A report on the grant application was being reviewed by the county's finance committee.

County Executive L. Brooks Patterson said the need to prepare for potential attacks is "critical" given the number of people living in and visiting Oakland County each day.

He said the money will be used for collaboration and coordination among the county's 61 communities.

Assault case moves forward against singer Trey Songz

DETROIT (AP) — A Detroit assault case against Trey Songz is heading to trial court after the singer waived a key hearing.

Songz, whose real name is Tremaine Neverson, appeared by video last Friday in 36th District Court. He was charged in December after authorities said he threw microphones and speakers from the stage during a performance at Detroit's Joe Louis Arena.

Prosecutors say someone was struck in the head by an object and an officer was punched.

Songz, of Virginia, was arrested after the incident. The 32-year-old faces charges of aggravated assault and assaulting a police officer.

Police have said Songz became upset after he was told to end his concert and leave the stage at 11:30 p.m. His next court date is Feb. 24, and he's free on bond.

COURTS CLOSED

The Oakland County Circuit and Probate courts will be closed on Monday, Feb. 20, in observance of Presidents Day.

The Michigan Supreme Court, Court of Appeals, and State Court Administrative Office will be closed on Monday, Feb. 20, in observance of Presidents Day.

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Professionalism in Action at Detroit Mercy Law



The University of Detroit Mercy School of Law conducted its annual Professionalism in Action event in conjunction with the State Bar of Michigan on Friday, Jan. 27. Professionalism in Action emphasizes Detroit Mercy Law's commitment to incorporate ethics across the curriculum. Local judges and lawyers discussed the importance of civility and work through a series of ethical and professionalism hypotheticals with all first-year law students in small groups followed by a networking reception. State Bar of Michigan President Lawrence Nolan (front row, fourth from left) gave the keynote address. Also volunteering at the event

were (front row, left to right) Laura Gibson, Tom Howlin, Wendy Baxter, Detroit Mercy Law Dean Phyllis Crocker, Dennis Barnes, Lee'ah Giaquinto, Kristina Robinson, Joe Vernon, and Robbie Gaines; along with (middle row, left to right) Ashley Heidemann, Tim Dinan, Ed Lennon, Mark Wisniewski, Eric Straus, Faith Gaudaen, Avis Chouhagh, and Michigan Supreme Court Justice Brian Zahra; in addition to (back row, left to right) Steve Vella, Michael Ashcraft, Michigan Court of Appeals Judge Michael Riordan, and Alan Gershel.

Photo by John Meiu

Recovery continuing, Cupid seems optimistic

"Are there more marriage licenses or divorce cases filed around Valentine's Day?"

Each year around this time, James P. Cunningham, family law attorney and adjunct professor of Family Law at Western Michigan University Cooley Law School in Auburn Hills, asks his students this question.

While topics dealing with the legal and financial fallout of relationships that have gone awry are the standard fare of the Family Law class, "students are disappointed to learn that couples actually break up around what is supposed to be the most romantic time of year."

Cunningham has been following this unlikely statistic for years. "Historically, while marriage license applications are relatively stable in number, when the economy is improving, you tend to see more divorce filings. People are optimistic about their future and are willing, and can afford to start over."

Caseload reports published by the Michigan Supreme Court appear to confirm this. Divorce filings declined, hitting an all-time low in 2009, following the onset of the recession. "Couples stick together during hard times."

As the country rallied from the 2008 meltdown, the divorce rate began creeping up. "For the two years 2012-2014," said Cunningham, "for the day before and day after Valentine's Day, there were 79 marriage licenses and 111 divorce filings," almost a 40% difference. While a disappointment for romance, and antidotal of course, a good sign for the economy.

However, even with the recession remaining in the rear-view mirror, for the first time in years, the gap between marriage license applications and divorce complaints is at least narrowing. In 2014-2016, love lost narrowly to heartache, 98-108. Divorce is down, and marriage license applications have increased. Cupid's feeling much better.

So how does Cunningham explain this? "As Alexander Pope said, 'hope springs eternal.'"

Cunningham's interest in the subject is more than just academic. A partner in the Birmingham law firm Williams, Williams, Rattner, & Plunkett, for over 30 years in private practice, has been consistently rated as one of the top domestic relations lawyers in the state. He is past-president of the Oakland County Bar Association and the Michigan Chapter of the American Academy of Matrimonial Lawyers, an organization comprised of the nation's top family law attorneys, and a Fellow of the International Academy of Family Lawyers.



CUNNINGHAM

Michigan treasury asks employers to be on alert for old W-2 phishing scam

The Michigan Department of Treasury, Internal Revenue Service, and the tax industry recently issued an alert to all employers that an old Form W-2 email phishing scam has evolved beyond the corporate world and is spreading to school districts, restaurants, hospitals, tribal organizations, nonprofits, and others.

In a related development, the W-2 scammers are coupling their efforts to steal employee W-2 information with an older scheme on wire transfers that is victimizing some organizations twice.

Here's how the scam works: Cybercriminals use various spoofing techniques to disguise an email to make it appear as if it is from an organization executive. The email is sent to an employee in the payroll or human resources departments, requesting a list of all employees and their W-2 forms.

Unfortunately, the individual receiving the email unknowingly provides the requested information to the cybercriminal. This scam is sometimes referred to as Business Email Compromise (BEC) or Business Email Spoofing (BES).

When employers report W-2 thefts immediately to the IRS, the agency can take steps to help protect employees from tax-related identity theft. As the state Treasury Department, IRS, and the tax industry enact safeguards to identify fraudulent returns filed through scams like this, cybercriminals need more data to mimic real tax returns.

The state Treasury Department urges all employers to be vigilant. This W-2 scam, which first appeared last year, is circulating earlier in the tax season and to a broader cross-section of organizations, including school districts, tribal casinos, chain restaurants, temporary staffing agencies, healthcare, and shipping and freight.

Businesses that received the scam email last year also are reportedly receiving it again this year. The Internal Revenue Service and other partners warned of this scam's recent reappearance but have seen an upswing in reports in recent days.

New Twist to W-2 Scam:

Companies Also Being Asked to Wire Money
In the latest twist, the cybercriminal follows up with an "executive" email to the

(See W-2 SCAM, Page 2)

DUAL ROLE Law student gains unique perspective of two systems

BY SHEILA PURSGLOVE
Legal News

Nashara Peart has found her studies in the Dual J.D. program at the University of Windsor Faculty of Law and University of Detroit Mercy School of Law fascinating as she has gained a unique perspective on both legal systems.

"Given the recent change in American government and the extensive media coverage on the results of the change in power, I find it exciting to be studying law at this moment in history," she says. "We're discussing topics in class that I am literally seeing play out before my eyes, and I am grateful to be developing the legal knowledge that will make me useful to society in very tangible ways."

While the dual program can be challenging, the Canadian native enjoys the juxtaposition of the law.

"I hope my knowledge of both legal systems will make me an asset in positions I hold in the future, as I intend to work on both sides of the border," she says.

The 2L student, who this summer will work as a summer associate at Miller Canfield in Detroit, would like to work in litigation, and hopes to focus her future career specifically on criminal defense. To that end, she has been volunteering since last May as a student assistant with M. Gordnerlaw Professional Corporation, a criminal defense law firm in Windsor.

"Working with Mr. Gordner has taught me so much," she says. "He's an amazing mentor, and knowing he trusts my research and assistance with active case files is an incredible boost of confidence. He let me know right away that he was willing to help me learn and grow as an attorney, and that it was okay to make mistakes along the way. I deeply appreciate his help and support up to this point and look forward to maintaining a relationship with him as I continue in my legal career."

She has found her involvement as a junior member of the Moot Court board at Detroit Mercy Law to be both beneficial and exciting.

"There's nothing quite like the feeling of knowing you can speak confidently about the law after doing effective research and preparation," she says. "Moot Court is a balance of planning and quick thinking that I find to be a welcome challenge."

One of the highlights of Peart's legal education is serving as National Conference Chair on the Black Law Students' Association of Canada's national executive panel. The 26th Annual National Conference, with its theme "Oneness in Motion: Impacting the Future," was held Feb. 9-12 in Windsor.

Peart says her work with BLSA Canada has further entrenched the value she places on teamwork.

"I always aim to give my best to any team

I work on, and when I am in a position of leadership as I am on the BLSA Canada executive, I also aim to lead with integrity," she says.

"Working with a team of fellow black law students, I not only have come to further appreciate how privileged we are to be joining the legal profession, but I am also more acutely aware of the struggles of racialized attorneys, or those that fall into other minority groups. It's truly humbling to know that I, along with my teammates, have an active part in changing the landscape of the legal profession."

Peart, whose older sister was called to the bar in Ontario last June, knew from a young age she was destined to enter the law, and working with youth considered "at risk" solidified that desire.

"Working with these young people demonstrated to me the need for strong advocacy for youth who are negatively stereotyped, and often misjudged," she says. "I want to make work in criminal law, specifically with youth, a significant part—if not the main focus—of my future career."

Peart brings to her legal knowledge a background in sociology, with an undergraduate degree from McMaster University in Hamilton, Ontario, where she also earned a graduate diploma in public relations management.

"I enjoyed sociology because, at its core, it's about understanding how society works and how our interactions with each other and the broader society affect the people we become," she says. "I deeply value creating meaningful relationships with people, so the science behind how it actually works was intriguing to me."

(See PEART, Page 2)



Nashara Peart, a student in the Dual J.D. program at the University of Windsor Faculty of Law and Detroit Mercy Law School, is National Conference chair on the BLSA Canada national executive panel.

Photo courtesy of Nashara Peart

Signs of Hope

After years of faltering, stock pickers see signs of hope.

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Repairs Needed

Michigan Capitol infrastructure in need of major repairs.

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A 'Conversation'

Lawyer and best-selling novelist discusses his latest book.

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