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ATTORNEY AT LAW

MAGAZINE®

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Powerhouse Trial Firms Offer “1-2-3” Punch

By Vince Colella

In 2007, the partners of the Moss & Colella firm and Neil Rockind, a solo practitioner, teamed up to create the premiere civil and criminal trial law practice, unrivaled by any firm in Michigan. While the firms have remained separate from a corporate standpoint, they have collaborated on a number of cases, share resources, offer litigation support and co-counsel complex civil rights matters. It is this unified approach that allows David Moss, Vince Colella and Neil Rockind to provide clients with the advantages of having distinguished trial lawyers, while maintaining the flexibility, accessibility and efficiency of a boutique firm. The collaboration augments litigation creativity and expertise that these nationally recognized attorneys have offered clients, independently, for nearly two decades.

“When we began working together, we immediately felt the competitive advantage of having two diverse practices that shared the ability to try both civil and criminal cases. This has resulted in larger fees to our referring lawyers,” says Vince Colella.

“The opportunity to join forces with lawyers whose passion it is to fight for their clients and not just ‘settle’ was too good to pass up. Vince, David and I fight to the last second of the last round,” boasts Rockind.

David Moss believes that “a team approach to preparing and litigating cases provides clients with a wealth of expertise, while sending a powerful statement to the opposition about our resources and commitment to winning.”

These lawyers have always placed their integrity and the interests of clients first. Moss & Colella, P.C. offers a full range of personal injury representation in the areas of automobile negligence, police misconduct/civil rights, employment discrimination, medical malpractice and wrongful death. While, Rockind specializes in medical marijuana defense, drunk driving, drug offenses, white collar crimes and domestic violence. Each of these lawyers has been named to several prestigious legal peer-reviewed lists, such as “Michigan Super Lawyers,” DBusiness Top Lawyers and National Trial Lawyers’ “Top 100.” Neil Rockind has also been recognized as a “Top 100” Super Lawyer and has been featured in Hour Magazine’s “Best of Detroit”. David Moss has been recognized by the Million Dollar and Multi-Million Dollar Advocates Forum.

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PUBLISHER LETTER

LOOKS LIKE WE'RE HERE TO STAY!

Dear Readers,

Even though we're still a little out of synch with the months, this issue is the sixth I have put out since the first one hit in November of last year. So, with six months of publication under our belts, in a time when many printed media are floundering, if not disappearing altogether, we are very proud to be "still standing."

To the many of you who have embraced this publication over the past several months, reading it, passing it along, viewing it on the corporate website and talking about it to one another, you have my heartfelt gratitude. To the one or two (literally) who have actually asked to be removed from the complimentary mailing list, I say (but they don't hear) "Your loss!"

Finally to the many who have signed on to write education based marketing editorial blogs, appear in feature stories and run advertising, you have done a yeoman's job to help perpetuate this writer's longtime dream of publishing a magazine. I have been told in person, on the phone and through correspondence that we are doing a great job of helping attorneys in various practice areas and other professionals with other business enterprises to showcase their knowledge, skills, services and products in the hope of reaching out to other professionals who may use their services and products in areas where their own expertise is limited. We are also happy to run your press releases and photos in our Talk of the Town section - at no charge, of course.

Just to restate the obvious, the purpose of this magazine is to bring together Lawyers in diverse practice areas so that they can *refer business* to one another. It's like one huge networking group with tens of thousands of members. But, there are no dues, no meetings, no required leads and no pressure.

I appreciate your support by reading the parts that interest you. I ran into an advertiser just the other day at Starbucks. He told me that he had just received the latest issue and read only one article out of the entire magazine. But, he said, that was a very interesting, well-written and useful bit of information to him. Success for that writer!

It could have been *your* article. Give me a call, and let's see if yours might be the next one to make a difference to another professional! We'll be here!

Have a wonderful spring in Michigan! And, Go Get 'Em, Tigers!

Cordially,

Dennis R. Green

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Correction Notice:

*In our March 2013 issue (Volume 2, No. 3), we were alerted to an unfortunate error after the magazine had been printed. On page 20, the headline for the **Health Law** education article by Abby Pendleton and Jessica Gustafson of The Health Law Partners, P.C. had two glaring spelling mistakes. We sincerely regret the errors, which were entirely ours, and hope that did not impact your reading and enjoyment of their article.*

Metro Detroit Attorney at Law Magazine will correct all errors in spelling, content and veracity upon notification by our readers, advertisers and other contributors.

Tips to Boost Your Avvo Attorney Rating

By Tanner Jones



Avvo is “the web’s largest free expert-only question and answer forum and directory, where people get legal or health advice every 10 seconds.” From free answers straight from lawyers in real time to seeing peer and past client reviews, the Avvo site contains valuable consumer and professional information. But Avvo is not only designed for consumers. Many lawyers and law firms have benefited from the free service. Several lawyers even report gaining clients or referrals after answering questions on Avvo and working to expand their profiles. That’s pretty good for a free service!

Ratings are a key aspect of each Avvo attorney profile. Before calling an attorney, a potential client can find that particular lawyer’s Avvo rating. Attorneys who have never claimed or updated their profiles on Avvo do not receive a score (only “Attention” or “No Concern”), but can still be reviewed. Client reviews do not affect the rating, but they do act as testimonials for those visitors looking at your profile (a more detailed explanation of the Avvo attorney rating system is available on their website).

New York bankruptcy attorney Michael Hal Schwartz, a Consultwebs client since 2005, has a high Avvo rating that has undergone several changes in the Avvo algorithm during his three years of maintaining a profile. Michael’s current profile has all sections completed and includes several photos, awards and peer endorsements. As he points out, “Someone can go from a 6 to an 8 based on the information they include... You can’t be modest; you have to list what you’ve done and let the algorithm list you as it will.”

Michael’s profile includes his involvement in the Avvo community. Michael has posted 510 legal answers and is a level 14 contributor (the highest level is 20). Although this does not affect his rating, it reflects well on his experience and acts as further confirmation of his expertise in the field of bankruptcy law.

Michael says that, in his experience, “Avvo gives skeptical clients a place to learn what other clients have said and thought about you in a non-biased environment. You can’t control what they say. You might occasionally get a call, but it’s more a place for people to voice their thoughts.”

Michael suggests that any lawyer wanting to improve his or her rating “listen to what Avvo wants. It takes time to put in the data, but they make it simple enough...They give you several categories as to how you rank. You have to see where you’re the weakest and then work on those areas.”

Based on Michael’s experience and the experience of other attorneys, we have compiled some suggestions on how to improve your law firm’s Avvo rating:

1. Complete your profile and keep it updated

- Make a note of areas where your profile is weak and focus on those areas to gain a higher rating.
- Include dates in your information so that Avvo can give you credit for keeping things up to date as well as your length in the field.

- Add photos; profiles with pictures are seven times more likely to be viewed.
- Record any speaking engagements at legal events on your profile.
- Write for peer-reviewed law journals and association/alumni newsletters to gain additional recognition.

2. Contribute by answering questions and posting legal guides

- You can sign up to get emails whenever a question pops up in your area of expertise; this feature, combined with the mobile availability of Avvo, makes answering questions much easier.
- The answers you contribute show up in search engine results, which share your expertise with a larger audience than just those posting on and visiting Avvo.

3. Solicit reviews from current & past clients

- The Clients' Choice badges are based on an average of the reviews on your profile. For example, if you have 5 positive reviews and 1 negative, the good outweighs the bad. Often, people who have had a great experience will not think to positively review you unless prompted.

4. Respond to the negatives

- Negative reviews can be publicly replied to; responding to an upset individual may help turn a negative review into an example of your compassion and willingness to go the extra mile to ensure your clients' satisfaction.
- Commenting on any disciplinary actions in your profile can help explain why it took place and ease potential clients' concerns.

5. Share

- To broaden your online exposure even more, share your Avvo contributions on Facebook, Google+, Twitter, your blog and your website.
- Settings can be fixed to automatically share activity from Avvo to Facebook and Twitter to save the extra step of posting.

Implementing suggestions in these five areas can increase your Avvo rating and reassure prospective clients that you are trustworthy and reliable. Get to work boosting your rating today!



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Nuggets From Chinggis Khan's Great Yasa

By Howard Yale Lederman

Since 1984, Howard Yale Lederman has been a Michigan appellate practitioner. A charter member of the Michigan Bar's appellate practice section since 1996, Mr. Lederman has written or co-written over 180 civil, criminal and administrative appellate briefs, including the well-known Tamara Greene case original appellants' and appellants' reply briefs. A constitutional law professor praised one of his briefs, and a national organization's counsel sent copies nationwide as a model in the constitutional law-real property area. He practices appellate, commercial and employment litigation with Norman Yatooma & Associates, PC. Mr. Lederman is well published, with his articles appearing in publications by Michigan Institute of Continuing Legal Education, the Michigan Bar Journal and the Michigan appellate practice section newsletter. Visit www.normanyatooma.com or call 248-481-2000 for more info.

When thinking of Chinggis Khan [Genghis Khan's corrected name] and his Mongol people and warriors, most people outside Mongolia still picture only bloodthirsty savages. So, they are not aware that he was not just history's greatest conqueror, but also a great lawgiver. When Temujin became Chinggis Khan in 1206, the Mongols were beginning their campaign of conquest. They needed laws to hold them together and prevent internal dissension. Even if successful, they would be a small minority in a vast ocean of conquered peoples. Chinggis Khan's Great Law, Great Yasa, arose from these needs.¹ Though some scholars deny or question the Great Yasa's existence, the weight of opinion and the need strongly support its existence.

The Great Yasa's rules combined old and new, backward and enlightened. The rules compelling the death penalty for adulterers and adulteresses, gays and lesbians, false witnesses and slanderers, helpers

By subjugating the ruler to the law, **he achieved something that no other civilization had yet accomplished.** Unlike many civilizations—and most particularly western Europe, where monarchs ruled by the will of God and reigned above the law—[Chinggis] **Khan made it clear that his Great Law applied as strictly to the rulers as to everyone else.**

of fugitive slaves, and robbers represented the prevalent old cruel regime. However, adultery “did not include sexual relations between a woman and her husband's close relatives, nor those between a man and female servants or the wives of other men in his household...[A]dultery applied to relations between married people of separate households. As long as it did not cause a public strife between families, it did not rank as a crime.”²

But other rules were new, even revolutionary. The Great Yasa granted complete religious freedom. So, people of many religions helped govern the Mongol Empire. Religious freedom promoted the empire's prosperity and unity. Religious freedom also promoted conquest: Persecuted religious minorities often helped the Mongols or welcomed them as liberators. The empire's later abandonment of religious freedom helped cause the empire's decline and fall.³ Its fate warns anyone out to restrict religious, cultural, scientific, and similar freedoms to promote some orthodoxy. In proclaiming religious freedom, the Great Yasa was centuries ahead of its time.

The Great Yasa exempted clergypersons, doctors, lawyers, teachers, and many learned professions from taxes.⁴ If our nation wants to encourage more and better educated people to become teachers, one part of doing so would be to follow the Great Yasa and exempt teachers from all or most taxes for a period of years or for as long as they teach. If our nation wants to encourage more Americans to become doctors, one part of doing so would be to follow the Great Yasa and exempt doctors from all or most taxes for a period of years or for as long as they practice medicine. If our nation wants to

¹ Jack Weatherford, *Genghis Khan and the Making of the Modern World* (Crown Publishers 2004), pp 67-68 ; Mike Edwards, *Lord of the Mongols: Genghis Khan, Genghis Khan*, 190 *National Geographic* __ (December 1996), available at <http://ngm.nationalgeographic.com/1996/12/genghis-khan/edwards-text/3>; *Genghis Khan's Code of Laws from Genghis Khan—Emperor of All Men*, by Harold Lamb (International Collections Library 1927), available at <http://www.fsmitha.com/h3/mongols-sup.htrr>.

² Weatherford, *supra*, p 69. Accord, Paul Rachnevsky, *Genghis Khan: His Life and Legacy* (Blackwell Publishers, Inc. 1991), pp 191-192.

³ Rachnevsky, *supra*, pp 173, 197, 184, 209; Weatherford, *supra*, p 69; Edwards, *supra*.

encourage more and better education, one part of doing so would be to follow the Great Yasa and change the federal and state tax codes to encourage such education.

The Great Yasa abolished slavery for Mongols, but not for conquered subject peoples. It abolished any legal differences between so-called illegitimate and legitimate children. The Great Yasa abolished the ancient customs of kidnapping women into marriage and selling women into marriage. These customs promoted wars among the Mongols. “Genghis Khan’s first new law reportedly forbade the kidnapping of women, almost certainly a reaction to the kidnapping of his wife Borte.”⁵

The Great Yasa commanded universal service: Every man, except soldiers, must serve the state for a certain number of days per year without reward.⁶ We can learn something from the Great Yasa here. We can change this provision into something compatible with our societal values. We can forgive or reduce outstanding student loans. We can provide for free or lower cost employment training.

Finally, the Great Yasa applied to the rulers, even the khans, as much as the ruled. “Enforcement of the law and the responsibility to abide by it began at the highest level, with the khan himself.... [Chinggis] Khan had proclaimed the supremacy of the rule of law over any individual, even the sovereign. By subjugating the ruler to the law, he achieved something that no other civilization had yet accomplished. Unlike many civilizations—and most particularly western Europe, where monarchs ruled by the will of God and reigned above the law—[Chinggis] Khan made it clear that his Great Law applied as strictly to the rulers as to everyone else.”⁷ About 50 years after his death, his successors repudiated this law with disastrous consequences.

Therefore, Chinggis Khan was not just a savage destroyer, but also a legal builder, with something to teach us even today.

⁴ Weatherford, *supra*, p 69; *Genghis Khan’s Code of Laws from Genghis Khan—Emperor of All Men*, by Harold Lam, *supra*.

⁵ Weatherford, *supra*, pp 68-69; Rachnevsky, p 198; Korean History Project, *Mongol Laws of Genghis Khan*, available at <http://www.koreanhistoryproject.org/KET/C05/TP0504a.htm>; *Genghis Khan’s Code of Laws from Genghis Khan—Emperor of All Men*, by Harold Lamb, *supra*; Rachnevsky, *supra*, p 184.

⁶ George Vernadsky, *The Scope & Contents of Genghis Khan’s Yasa*, 3 Harv J of Asiatic Studies 337 (1938).

⁷ *Genghis Khan’s Code of Laws from Genghis Khan—Emperor of All Men*, by Harold Lamb, *supra*.



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David H. Fink's Passion And Persistence Serve His Clients And Our System Of Laws

New practice offers large firm advantages with smaller firm's personal service and alignment with client goals.

By Dave Stein



David H. Fink leaves no doubt that he cares intensely about the rule of law. His passion for the law, staunch advocacy for clients and persistent determination have always been apparent in his more than three decades of service, whether representing clients in complex litigation or engaged in public affairs.

Currently the managing partner of Bloomfield Hills-based Fink + Associates Law, Fink's impressive resume includes winning important victories in state and federal trial and appellate courts, helping reform the state's environmental laws, a stint in Governor Granholm's Cabinet as state employer, a position on the State Officers Compensation Commission and even a run for Congress.

Throughout, Fink has always embraced a real-world legal practice, especially the crucible of the courtroom.

"I love being in the courtroom, participating in litigation. To me, it's the original alternative dispute resolution.

It may not always be neat or pretty, but our civil justice system is the non-violent alternative to brute force and survival of the fittest," says Fink, a 1974 magna cum laude graduate of Harvard College, majoring in economics, and a 1977 cum laude graduate of Harvard Law School.

Quick study

After law school, it didn't take long for Fink to get into the fray. He tried his first jury trial the day after being sworn into the Michigan bar; his second jury trial began two days after the first concluded. Within four months of becoming an attorney, Fink argued a civil rights case for the City of Detroit before the 6th Circuit Court of Appeals in Cincinnati, Ohio.

After building a successful litigation firm, Fink took a hiatus from private practice in 2002 to pursue his commitment to public service. First, he ran for United States Congress, as the Democratic candidate for the 9th Congressional District. Fink picked a tough year for

Democratic challengers, and he, like so many other Democratic candidates that year, lost the election. Then, he was asked by Governor Granholm to join her Cabinet as state employer - the governor's chief labor negotiator. While serving in that position, Fink spearheaded the successful negotiations that led to more than \$350 million in concessions from state employees.

Since January 2011, Fink has focused on growing Fink + Associates Law, handling complex litigation and class action cases along with his law partner Darryl Bressack and other associates.

High profile matters

Over the years, Fink has participated in plenty of high profile litigation—the City of Detroit against Wayne County, Wayne County against the State of Michigan, lawsuits challenging Governor John Engler's elimination of the general assistance program and his rewriting of the rules governing workers'

David H. Fink Career Highlights

- Founded Bloomfield Hills-based Fink + Associates Law.
- Co-founded Farmington Hills firm that would become Fink, Zausmer & Kaufman. The firm, over the course of two decades, grew to include 20 attorneys.
- Leading player in redefining the state's handling of environmentally contaminated property, including the redrafting of Michigan's brownfield laws.
- Litigated key cases that helped expand the application of existing business insurance to environmental exposures, including *Gelman Sciences Inc. v. Fidelity & Casualty Co.*
- One of three attorneys who represented Al Gore before the Broward County Florida canvassing board during the 2000 *Bush v. Gore* recount.
- Served in Governor Jennifer M. Granholm's cabinet as state employer, negotiated concessions and labor contracts for state employees, and acted as the Governor's point person in negotiations with the legislature to develop the \$2 billion 21st Century Jobs program.
- Mediator of 2006 negotiations between DMC and WSU Medical School, resulting in the resolution of a long-standing dispute regarding medical residency programs and clinical care.
- Selected as a Super Lawyer in Michigan Super Lawyers magazine every year since 2007.
- Selected by Michigan Lawyers Weekly as a Leader in the Law for 2011.
- Selected by American Lawyer Media as a 2013 Top Rated Lawyer in Commercial Litigation.
- Commissioner, Michigan State Officers Compensation Commission (SOCC) for a term expiring in 2014 – a gubernatorial appointment.
- Member of the State Bar of Michigan committee on judicial qualifications.
- Member of the board of directors of Jewish Family Service of Metropolitan Detroit, finance committee.
- President of the Bloomfield Hills School Foundation.
- Member of the Michigan Association for Justice executive board.

compensation proceedings, mediation of a complicated dispute between the Detroit Medical Center (DMC) and the Wayne State University (WSU) Medical School, as well as many leading environmental and insurance coverage cases. Fink currently serves in important positions managing significant class action cases in several courts, after being appointed to those positions by federal judges in the Eastern District of Michigan and in the Western District of Michigan. However, Fink takes particular pride in being retained by attorneys who need a tough litigator.

"When experienced attorneys need immediate legal help in a critical situation and they turn to me, I figure I must be doing something right," says Fink.

He has been retained by lawyers embroiled in battles regarding firm breakups and by law firms facing significant judicial sanctions. Fink has also been consulted and retained by groups of attorneys seeking to stop government regulatory changes that could be harmful to their clients and to their own legal practices.

In 2006, Fink was called upon to mediate a complex matter involving the joint residency programs operated by the DMC and WSU Medical School—a dispute that some thought could not be resolved. Mike Duggan, then-CEO of DMC, praised Fink's work. "David's intelligence, persistence and determination allowed the parties to reach a resolution many thought was impossible," said Duggan.

Fink + Associates Law Some Current Matters

- court-appointed interim lead counsel in Refrigerant Compressors Antitrust Litigation.
- Court-appointed interim co-lead counsel in putative class action related to the 2010 Enbridge Oil Spill in the Kalamazoo River.
- Court-appointed Interim Liaison Counsel in Auto Parts Anti-trust Litigation - civil actions arising from the largest anti-trust investigation in the history of the U.S. Department of Justice.
- Counsel for the Wayne County Zoo Authority in litigation to determine whether tax increment finance authorities are statutorily-authorized to capture the Zoo tax approved by voters.
- Counsel for a state university before the Michigan Employment Relations Commission, Ingham County Circuit Court, the Michigan Court of Appeals, the Michigan Supreme Court and the Federal District Court for the Eastern District of Michigan, in litigation related to the collective bargaining rights of certain graduate students.

"He is as creative as he is tenacious, both in the courtroom and at the bargaining table."

Eugene Driker, then-chairman of the WSU board of governors, also commended Fink's work. "David just understands the practicalities of every case he's involved in," said Driker. "He's energetic, creative, well prepared and always displays good common sense." Driker was closely involved with Fink in the DMC-WSU discussions, and has known him for more than 20 years. "We've both participated in cases where the other has been a mediator, and we've been on the opposite sides in the courtroom. He's a real professional."

Despite his passion for the courtroom, Fink emphasizes the importance of negotiation skills. As he explains, "Winning may be personally gratifying,

but settlement short of a full trial is often better for all parties.”

Public service

Fink remains devoted to public service, having been appointed to the Michigan State Officers Compensation Commission for a term expiring in 2014. He also serves on the State Bar of Michigan judicial qualification committee, which reviews candidates for state judicial positions. Always active in community affairs, Fink is currently a member of the board of Jewish Family Service of Metropolitan Detroit and serves as president of the Bloomfield Hills Schools Foundation.

In the early 1990s, Fink was a vocal advocate for reform of Michigan’s environmental laws, and he worked with the Urban Core Mayors in successfully pursuing important changes in Michigan’s statutes, to promote redevelopment of contaminated property.

Today, Fink is pushing for better compensation for state judges in Michigan. His 2011 proposal for judicial pay increases was adopted by the State Officers Compensation Committee, but died due to legislative inaction. This year he is more determined than ever to address the problem of judicial compensation – which has not increased since 2002.

“This is nothing less than a fight for the future of our state judiciary,” Fink explains, “If we don’t act soon, the declining real income of our judges will mean that only the wealthy who don’t need a paycheck or, frankly, those who can’t earn more in private practice will apply.” Fink buttresses his argument by noting, “many law school graduates are offered first year associate positions that pay more than our trial court judges. Some make more than we pay our Supreme Court justices.”

Formative years

In the late 1960s, when many young people were abandoning traditional politics and the law, Fink’s deep commitment to the U.S. Constitution, law and politics was born. As a debater at Oak Park High School, the topic, “Resolved: That Congress Should Establish A Uniform System of Criminal Investigation Procedures,” led to an intense study of the Bill of Rights. Fink focused on such issues as the writ of habeas corpus, protection against unreasonable search and seizure, the rights of suspects against self-incrimination and the right to a jury trial.

Early 1968 found Fink and his high school friends stumping



in Wisconsin for Eugene McCarthy’s bid to unseat President Lyndon Johnson for the Democratic presidential nomination. On the bus back from a weekend campaigning in Milwaukee, the student volunteers heard President Johnson’s fateful declaration that “I shall not seek, nor will I accept, the nomination of my party for another term as your President.”

Although Hubert Humphrey was the eventual Democratic nominee, Fink had experienced the impact of political organizing, and he was determined to use that knowledge to work for constructive change.

Another experience in 1968 gave Fink a sharper focus for his political commitment. That summer, he had

the opportunity to visit the Dachau concentration camp, a trip that he refers to as life altering. “In trying to comprehend the horrors of the Holocaust, it became clear to me that preserving our Constitution, the Bill of Rights and the rule of law is the only way to guarantee that no people ever experience in our country what my relatives faced in Europe,” explained Fink.

The more the law changes

With Fink + Associates Law, Fink is not starting over; he is starting anew. His goal is not to build another large firm, but to take advantage of technology to deliver high-quality litigation services with the close client relationships of a relatively small firm.

“We are 100 percent litigation oriented, offering resources that only the largest firms used to be able to deliver,” says Fink. “We work hard to provide representation in a small firm environment, while leveraging the legal research, case management, communications technology and litigation support that was once available only in large firms. With this model, we are better able to stay attuned to our clients’ business and personal needs.”

While acknowledging that litigation has changed dramatically due to rapid developments in technology and communications, Fink believes that the core qualities and important skills of successful lawyers haven’t really changed.

“It’s still about trying a case, understanding the facts and the law and knowing how to extract the truth from an uncooperative witness,” Fink says. “When I started out, the practice of law was more personal and collegial, but good lawyers still understand the value of civility and cooperation. It’s not old-fashioned to say that your word is your bond.”

Franchising is, in essence, the licensure of intellectual property related to a successful business model. As a result, along with the business model and systems, the franchisor's trademarks are one of the most valuable assets of a franchised business. Therefore, when franchising any business, the most important first step is to choose a protectable trademark that can be used on a national and even international basis. Thus, it is important to understand the legal attributes regarding trademark law and the necessity for trademark due diligence, so that a chosen trademark can become an enforceable tool in distinguishing a franchisor's brand from that of its competitors.

There are two major factors that should be considered when evaluating a new trademark. First, whether the chosen trademark is uniquely strong enough to provide the franchisor with meaningful protection. Second, whether the trademark is likely to be confused with any trademarks that are already in use by others.

It is quite common for a business owner to initially seek trademark protection for words that are descriptive of the goods and/or services provided by the business. For example, the trademark "Ultra Clean Carpet Services" would be considered a descriptive term for a business involved in carpet cleaning. Under U.S. trademark law, trademarks that are merely descriptive of the goods and/or services

Fanciful or arbitrary trademarks are usually considered strong trademarks due to their unique designation to a franchised business.

that are sold under the trademark are not eligible for protection by a trademark registration. Therefore, if the franchisor had chosen that name, then the franchisor would not be able to obtain a registration and would have difficulty in preventing others from using similar names in association with competing carpet cleaning services.

The trademarks that are most capable of acquiring strong trademark protection fall into two categories. The first category is referred to as "fanciful" trademarks. A fanciful trademark is a word that is completely made up, such as Pepsi®. Fanciful trademarks are subject to the highest level of protection. A second category of trademarks that are also given a high level of protection are called "arbitrary" trademarks. An arbitrary trademark is an actual word that has absolutely nothing to do with the goods and services that are provided—for example, Camel® cigarettes.

Fanciful or arbitrary trademarks are usually considered strong trademarks due to their unique designation to a franchised business. These trademark categories will provide any franchisor with a high degree of ability to protect its brand from confusion with third parties in the future.

In addition to choosing a strong trademark, one must avoid the use of trademarks that are likely to be confused with other existing trademarks. Research should be completed on publicly available databases such as those maintained by the U.S. Patent and Trademark Office and any other state trademark agencies. It is also vital to perform basic Internet searches for trademarks that are similar to a franchisor's proposed trademark. Finally, there are also commercial search services that provide a comprehensive evaluation of the field of trademarks that are potentially similar to a chosen trademark, thus weakening the strength of the proposed trademark.

For anyone aspiring to franchise a business concept, seeking valuable counsel from a skilled intellectual property attorney is the first step in protecting that business' most important asset, its intellectual property.

Trademark Considerations Are the First Step in Franchising Any Business

By Jeremy Bisdorf

Jeremy D. Bisdorf is a partner in the Southfield and Ann Arbor offices of Jaffe Raitt Heuer & Weiss. He is a member of the firm's intellectual property, corporate, health care and franchising/licensing practice groups, and specializes in providing strategic legal advice and business consultation services to clients to maximize the value of their patents, trademarks, copyrights and other proprietary information. Jeremy services a number of clients in the medical device, software, e-commerce, health care and franchising industries. He is a summa cum laude graduate of Wayne State University School of Business Administration, where he was the recipient of the Howard A. Donnelly Award. He earned his Juris Doctor degree from the University of Michigan Law School and is also a graduate of Wayne State University Law School, where he received his LL.M. in taxation. Email jbisdorf@jaffelaw.com for more info.



Bedsore: Do These Things Still Exist?

By Donna M. MacKenzie

Donna M. MacKenzie is a partner at Olsman Mueller Wallace & MacKenzie, PC in Berkley. She devotes a majority of her practice to representing individuals injured as a result of nursing home neglect and abuse. Mrs. MacKenzie's recent honors include recognition as an Up & Coming Lawyer by Michigan Lawyers Weekly, a Rising Star by Super Lawyers, and a Pacesetter by the Michigan Association for Justice. She is on the executive board for the Michigan Association for Justice and serves on the board of governors for the American Association for Justice. Mrs. MacKenzie can be reached at (248) 591-2300 or dmackenzie@olsmanlaw.com.

Bedsore is a lay person's term for decubitus ulcers. Bedsore is an injury to the skin or underlying tissues that result from an inadequate blood supply caused by prolonged pressure on the skin. In many instances, bedsores occur at points of bony prominence such as the coccyx or sacral area.

There have been medical studies performed which generally ascribe bedsores to some form of neglect on the part of caregivers. This may come in the form of failure to turn a non-ambulatory patient or resident. It may also be due to lack of adequate nutrition and hydration. As a general proposition, physicians agree that except in cases of severe systemic disease such as renal failure or metastatic cancer, most bedsores are likely preventable.

The ramifications of a bedsore are multifaceted and uniformly negative. Bedsores which form on the heels of non-ambulatory residents frequently lead to the onset of gangrene and amputation. It logically flows that many of these situations will result in the death of a resident from overwhelming sepsis.

The economic cost to the health care system of bedsores is staggering. In the elderly population, bedsores are one of the most costly diseases to treat and can cost up to \$40,000 depending on the stage of development.

As a general proposition, physicians agree that except in cases of severe systemic disease such as renal failure or metastatic cancer, most bedsores are likely preventable.

Prevalence of Bedsores in Long-Term Care Settings

Approximately 10% of all nursing home residents have bedsores. This percentage climbs as high as 28% for patients receiving hospice care.

The Staging of Bedsores

Bedsores are typically staged numerically one through four. A Stage I bedsore generally does not involve skin breakdown, but is evidenced by redness of the skin that does not turn white or purple when you press on it (i.e. non-blanchable). A Stage II bedsore usually involves a partial loss of skin presenting as a shallow open wound or blister. A Stage III bedsore usually means that there has been a complete loss of skin, possibly exposing subcutaneous fat. A Stage IV bedsore is also characterized by a complete loss of skin, but also involves the exposure of bone, tendon or muscle. In certain instances, this can trigger infection of the bone which is known as osteomyelitis.

Prevention of Bedsores

Due to the extraordinarily high economic cost of wound care and the extreme physical and emotional stress brought on by bedsores, a great deal of literature and attention is now paid to prevention of bedsores.

42 CFR 483.25(c) of the Code of Federal Regulations mandates that if an individual comes into a skilled care facility without skin breakdown, skin breakdown should not occur.

The Minimum Data Sets (MDS) performed on patients upon entry to a nursing home has a section requiring detailed assessment of skin integrity. Once again, the idea is to prevent the development of bedsores before they start.

Despite what may seem to be the obvious case, i.e., frequent turning prevents bedsores, far more attention should be paid to nutrition and hydration which are most often associated with the onset of wounds particularly in nursing home residents.

Frequent assessment of a resident's skin particularly in those areas of the body that are most vulnerable to breakdown likewise may help prevent or at least minimize progression of a bedsore.

Tips for Smart-sourcing your Technology Staff

By Dave Kinsey

Remember being told as a kid that “Nobody likes a know-it-all”? Every professional is an expert in their own field. When we need solutions for issues outside of our expertise, we rely on other “experts” for help. You are an expert at what you do because you have chosen to focus on that strength. Perhaps you’re familiar with nearly everything there is to know about your specific practice area. When you find a client that seeks legal advice in a practice area in which you are not an expert, however, you likely have a network of other attorneys to consult.

Should I outsource my IT staff?

Every organization is unique; there is no magic formula to determine when to outsource. Often firms with less than 75 people find it most cost effective to completely outsource their technology; larger firms will likely have a combination of in-house staff and outsourced advisors.

Many law firms outsource their IT because:

- technology is not the core business of a law firm; your firm exists to practice law;
- an IT outsourcing company will generally have a larger pool of resources, providing better coverage and economies of scale than a handful of internal IT employees;
- an IT outsourcing company offers labor saving monitoring and management tools which are cost-prohibitive for an individual firm;
- IT support organizations focus on staff training and certification, resulting in higher efficiency.

If you choose to manage your information technology in-house, then plan on spending the resources to adequately train your IT staff. Just as you require ongoing study to remain an expert in your legal profession, your IT staff needs to keep up with the rapid changes in technology as well. If you choose to outsource, you will want to find a partner that offers the experience and training that matches your needs.

Two factors to consider when evaluating insourcing, outsourcing, and the technology partners you work with are managed services and cloud computing. The stated goal of managed IT is to keep problems from occurring in the first place. Managed service providers like Total Networks utilize preventive maintenance techniques, IT best practices and remote

monitoring tools to keep your technology running smoothly. This means fewer issues and lower costs in the long run. Having the best IT people is still essential, but improved automation allows managed service providers to provide more efficient support, focus more time on proactive planning, and spend less time reacting to things that are broken. Cloud computing offers compelling new alternatives, but it is not an “easy button” and it requires careful planning.

Whether or not you have insourced or outsourced IT, working with a managed services provider can be worthwhile. The automation tools these providers offer can be leveraged in either situation. There is generally an advantage to outsource monitoring and management tools from a cost and functionality standpoint. For example, if you lose power or network connectivity, an in-house monitoring system generally won’t be able to alert anybody if it’s located in your office. Of course, system down alerting isn’t the primary objective. Good monitoring software will check network systems constantly, and alert your technology team when systems need attention. This is the key to identifying and correcting root cause issues before they create downtime. While IT staff could monitor your network manually, it can be time consuming and is subject to human error or oversight. Properly managed software that checks your systems around the clock won’t miss anything and will alert your team to issues far sooner than ad hoc inspections.

However you choose to staff your IT needs, it’s important that fundamentally sound IT practices are followed so that you don’t encounter avoidable setbacks such as outages, malware infections, performance issues, or failure to restore data from backup.



Dave Kinsey is the owner and president of Total Networks. Total Networks is the technology partner to many law firms throughout Arizona. Services include document management, backup and disaster recovery, business communications, and general IT support (for firms with or without in-house technical staff). Email info@totalnetworks.com for more info.



YULIY OSIPOV ALWAYS A MOVE AHEAD!

By Dennis R. Green, Publisher
Photos by Kelly Skolarus Lollo, Lolo's Photography

*"I don't believe in psychology. I believe in good moves."
- Bobby Fischer, World Champion Chess Grand Master*

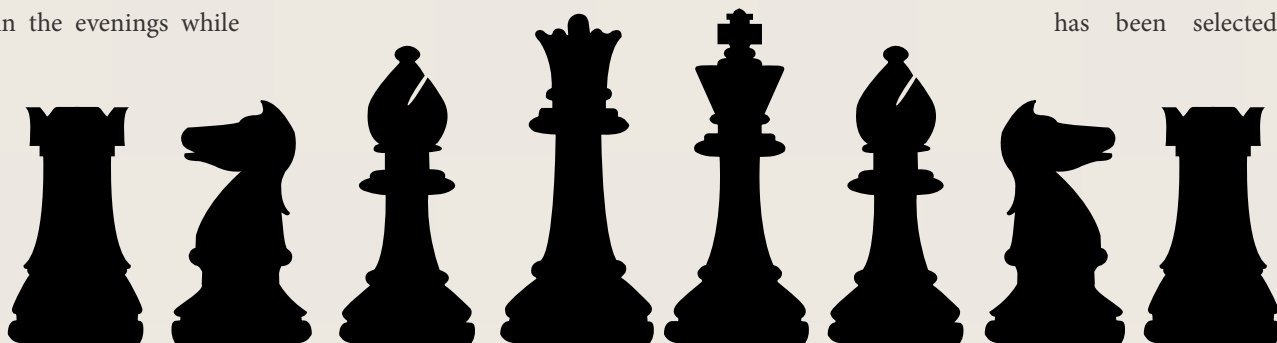


Certainly the above quote can serve as an anthem for both the chess-playing and legal practice styles of Yuliy Osipov, a well-known bankruptcy attorney whose practice is located in Southfield.

A 1998 graduate of U of D Mercy Law School, where he is now an adjunct professor, Osipov has built his excellent reputation among his bankruptcy clients and fellow barristers as someone who always seems to have his next move plotted out long before his opponent makes his current move. These skills flow from his love of chess. He was a Junior Grand National Champion in his native Azerbaijan at the age of just twelve! Originally from Baku, Azerbaijan, he studied at the Polytechnic University prior to his move to the U.S. He was 17 when he arrived and enrolled in Southfield-Lathrup High School and graduated one year later. In 1995 he earned a degree in psychology from University of Michigan-Dearborn. He then pursued the study of law at University of Detroit Mercy in the evenings while

working full-time during the day. Going to school full-time and working full-time was not easy, but as Osipov says, "There was no other choice – I had to do what I had to do to succeed in this country where everything was new and different. America is a greatest country in the world with unlimited choices and opportunities; the biggest 'dilemma' is to make the right choices, and the opportunities will avail themselves for grabs."

A practicing attorney for the past 13 years, he opened his own law firm, Osipov Bigelman PC, five years ago and specializes in bankruptcy law. He is board certified in consumer bankruptcy law by the American Board of Certification (<http://www.abcworld.org/893/yuliy-osipov>) and has extensive bankruptcy experience representing debtors, creditors and Chapter 7 trustees. Osipov also serves on the board of directors for the Consumer Bankruptcy Association. Actively involved in the local bankruptcy bar, he is also a member of the State Bar of Michigan and the Federal Bar Association. He has been selected by



Super Lawyers as a “Rising Star” in the past several years and is a frequent speaker at national and local bankruptcy-related seminars as well as a contributor and frequent speaker for ICLE. Osipov has also served as a co-receiver (along with the Attorney Grievance Commission) to oversee the bankruptcy practices of the lawyers who could not continue their practices.

His firm includes a partner, Jeff Bigelman, (of third-generation Russian descent) and three associates. The firm specializes in all aspects of bankruptcy, workouts and negotiations with the creditors, as well as business litigation.

“We represent ‘debtors’ – we represent ‘creditors’ – anyone, be it an individual or corporation, anything and everything in the bankruptcy court. And, we do it better than anyone else – and for one simple reason – we take pride in our work, and we love what we do!”

Osipov welcomes all challenges and faces them fearlessly, head-



on and – with chess as his guide – extremely logically and boldly.

While Osipov describes his law career as a work in progress, he has already accomplished many outstanding personal and business goals and achievements. The opportunities he has found in the United States have helped him to become a success, he takes pride in helping people – from a multitude of backgrounds and all walks of life – to live more tranquil and productive lives. He resides in West Bloomfield with his wife, Tatyana, and three children, Lazar, Sammy and Ariella. “I read somewhere that a fellow Russian Chess Master, Garry Kasparov, once said: ‘At the end of the day, it’s all about money.’” Osipov adds, “Actually, there’s much more to it than just the money. It’s about people’s lives and how you can positively affect them.”

“Yuliy Osipov is a ‘go-to’ consumer bankruptcy law specialist who takes great care of his clients and knows more about Chapter 7 and Chapter 13 bankruptcy than anyone I know. Yuliy gives his clients the comfort and satisfaction of knowing that they have a great advisor and advocate to achieve the best possible results in bankruptcy and debtor / creditor matters. Yuliy is also a team player and a pleasure to work with collaboratively.”

- Brendan Best, Partner, Schafer and Weiner, PLLC (business partner)

“Yuliy has a compassion for people and the circumstances of their lives. More interested in serving than monetary compensation. Also willing to share his knowledge with others. A good attorney and a fine human being.”

- Lou Ann Troy, Owner, Champion for Kids

“Yuliy is incredibly thorough and thoughtful in his practice. He is able to assist clients with examining their overall picture so that they can make the best decisions given their circumstances. He is a highly regarded attorney in the bankruptcy community.”

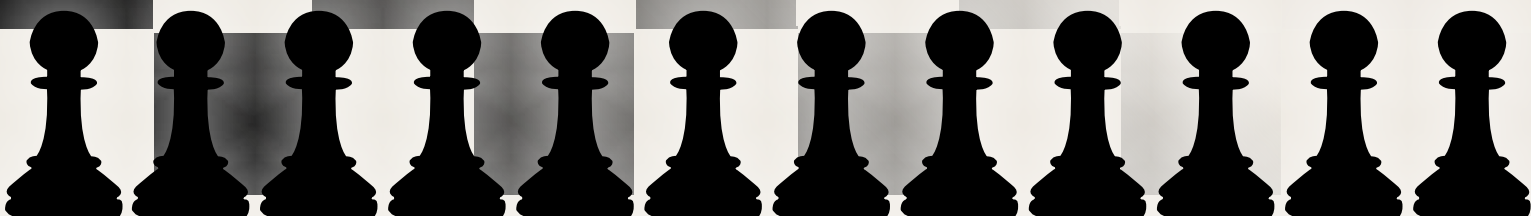
- Ellen Mahoney, Loss Mitigation Consultant, Loss Mitigation Consulting Services of Michigan, LLC (business partner)

“Yuliy provides excellent support and direction. He is expert in his line of business, detail oriented, personable and easy to work with. It was very clear that Yuliy was working to obtain the best outcome for me as a client. He maintains communications, demonstrates patience and provides a calming influence through challenging issues. I would highly recommend Yuliy.”

- Peter Groen, Senior HR Manager at GM

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Five Common Pay-Per-Click Mistakes Law Firms Make

By John Damron

Inefficiencies in your pay-per-click (PPC) campaigns can end up costing the firm thousands of dollars in irrelevant ad spending. Firms often make similar mistakes in setting up and managing their PPC accounts. The key to successful PPC is targeting the most appropriate audience in the most cost-effective way possible. Let's go through some of these common PPC mistakes and make sure your firm is not wasting its advertising budget.

1. POOR GEOGRAPHIC-TARGETING

The beauty of PPC is its ability to target people living in or around your firm's office location. However, in many cases, firms mistakenly target the entire United States instead of their relatively small geographic location. When setting up your PPC campaign it is critical that you adjust the area you want your ads targeted. The default setting is the entire United States. If this is not changed, you could find yourself spending a ton of money on traffic that is much less likely to bring your firm cases.

When setting up your PPC campaign it is critical that you adjust the area you want your ads targeted.

2. TARGETING THE DISPLAY NETWORK

Another common mistake firms make is having their PPC campaigns running on both the search and display networks. Know the difference between these two options and that the search network allows your ads to show on the top of the page in a Google search. This network will typically bring you a better ROI. The search network is more effective because you can specifically target people looking to hire an attorney in your practice areas based on keyword selection.

The display network is Google's network for advertising sponsored ads in places besides its search engine. This can include YouTube, Google partnering websites, and other Google properties. If this setting is turned on, you could show your ads



to thousands of people who may have no interest in hiring an attorney. The display network can generate irrelevant traffic and typically has a lower conversion and click-through rate than the search network.

When creating a PPC campaign, the default setting is to have your ads run on both networks. However, this will cause you to spend your daily budget quicker and less effectively. It is extremely important to select the search network only when setting up the targeting of your ads.

3. POORLY CHOSEN KEYWORDS

It is important to have a variety of keyword match types in order to garner both significant and relevant traffic. The majority of inexperienced PPC managers will put a large list of broad match keywords into their campaigns and start spending money.

The problem with this approach is that you will attract a lot of irrelevant traffic to your site. For example, if you Google search "attorney jobs," you will see firms appearing in the paid search

It is important to have a variety of keyword match types in order to garner both significant and relevant traffic.

ads. However, the attorneys who placed the ads are not targeting people looking for jobs; they want to reach people who have been injured at work or those looking to hire an attorney. This is a common mistake with broad match keywords.

It is important that if you use broad match keywords you also add negative keywords to your accounts or you will continue to spend your budget without getting quality leads. It is recommended that you use broad match modifier keywords as opposed to broad match because they will eliminate the really irrelevant traffic which broad match keywords might attract. Your keyword selection process is one of the most significant steps in setting up your PPC account, so it is important to take the time to effectively craft a thorough keyword list.

4. NO CONVERSION TRACKING

The most frustrating mistake I see is when a law firm is not tracking conversions (leads) that are generated from their PPC campaign. It is impossible to see how effective your PPC is operating when you do not have conversion tracking implemented. It is also extremely important to track all of your conversion funnels: calls, chats, form fills, etc. This will allow you to properly calculate the ROI and make informed optimizations to your campaigns. Accurate conversion tracking is so important that it is a good idea to perform a regular test conversion to make sure you're tracking everything you need to be tracking.

5. POOR AD COPY

It is extremely important for the ad to reflect the keywords you are targeting. Put the targeted keywords directly into the ad copy. Not only will your ad be more relevant but the keywords in it are going to be **bold**. It is also critical to have strong calls to action in order to compel the user to click your ad over the countless others. If your ad has similar wording to the user's search query as well as a strong call to action, your ad will have a marked advantage over the competition. This will improve the click-through rate of your ads and the quality score of your keywords. The better your

quality score the less you will have to spend per click, so always strive to improve your quality score and save money.

The five mistakes I've listed occur all too frequently in law firm PPC campaigns. But there is hope — adjustments can be made to improve your return on investment and maximize efficiencies across the campaign! PPC can be a great lead generation tool when set up and managed properly.



As a senior marketing strategist for Consultwebs.com, John Damron serves law firm clients across the country by helping them to grow and maximize their profit. He fosters professional, long-term relationships built on trust, integrity, quality and results. John is often the first contact our clients have with our firm. Helping law firms develop their online marketing strategies, including search engine optimization, responsive website design, and pay-per-click advertising, John enjoys his work immensely.

John has spoken and presented at multiple U.S. and international legal marketing seminars. Contact John for a free evaluation of your online presence at jdamron@consultwebs.com or (800) 872-6590.



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New HIPAA Rules Issued – A Short Primer

By Adrienne Dresevic and Clinton Mikel

The Office for Civil Rights (OCR) recently issued final regulations modifying the HIPAA privacy, security, enforcement and breach notification rules (the Megarule).

The Megarule became effective on March 26, 2013, and compliance will be required by Sept. 23, 2013. Briefly summarized below are a few highlights from the Megarule that will be of particular interest to most health care providers, and anyone else who handles patient information.

REQUIRED CHANGES TO NOTICES OF PRIVACY PRACTICES

The Megarule requires modifications to providers' notice of privacy practices. Notices of privacy practices must be updated to include explanations regarding certain changes to patients' rights under the Megarule, as well as changes to HIPAA's privacy rights.

IMPACT RELATED TO BUSINESS ASSOCIATES

The Megarule broadened the definition of who is considered to be a "business associate." Covered entities should assess their relationships to determine who might now be considered a "business associate." These revisions to the Megarule are significant, and will likely require covered entities to enter into business associate agreements with vendors who were not previously considered to be "business associates."

The Megarule will also require changes to providers' business associate agreement contracts (BAA). If providers have BAAs now in force, the existing agreements are grandfathered until Sept. 22, 2014, to permit amendments to comply with the final regulations.

CHANGES TO BREACH NOTIFICATION RULE

For nearly 3 years, providers have implemented the breach notification regulations mandated by the HITECH Act (the Breach-Rule) as required by the 2009 interim final HITECH Act rules regarding breach notifications (the IFR).

By way of brief background, the Breach-Rule requires covered entities to disclose to both patients and the government when there are specific kinds of security breaches involving an unauthorized use or disclosure of unsecured protected health information (PHI).

The Megarule made two primary changes to the Breach-Rule regulations. The Megarule first clarifies that *any* situation involving an impermissible access, acquisition, use or disclosure of PHI is *presumed* to be a breach. Next, the Megarule replaces the IFR's "significant risk of harm to the individual" standard, and states that a Breach is deemed presumed unless the covered entity is able to demonstrate that there "*is a low probability that the [PHI] has been compromised based on a risk assessment*" consisting of four enumerated factors.

REQUESTS FOR RESTRICTIONS

Covered entities are not normally required to agree if a patient requests restrictions related to a use or disclosure of their PHI that would otherwise be allowed under HIPAA. The Megarule, however, *requires* covered entities *to agree* to restrict disclosures of a patients' PHI to an insurer if the service is paid for in full by the patient and certain other criteria are met.

ACCESS TO PHI MAINTAINED ELECTRONICALLY

The Megarule provides that, if a patient requests PHI that is maintained

electronically, the covered entity must provide them with electronic access in the form and format they have requested, if the information is readily producible in such format. If the information is not readily producible in that format, it must be given in a readable electronic form and format as mutually agreed by the covered entity and individual.

INCREASED HIPAA ENFORCEMENT

The HITECH Act and the HIPAA Megarule have drastically changed the enforcement landscape related to HIPAA. Since the passage of the HITECH Act, OCR has begun auditing providers, and has levied numerous *hundred-thousand-dollar-plus*, and even *million-dollar-plus*, penalties on providers, including smaller physician groups.

OTHER CHANGES

Additional notable items in the Megarule not summarized above include:

- Limits/prohibits most marketing or sale of PHI;
- Clarifying/affirming that a covered entity may be liable for HIPAA violations of their business associates who are agents;
- Changes made regarding research authorizations;
- Changes making it easier to disclose immunization records to schools;
- Changes making business associates and their subcontractors directly liable for complying with certain HIPAA privacy and security rule requirements;
- New parameters governing fundraising activities; and
- Limits HIPAA protections to 50 years after death, making it easier to provide PHI to a decedent's relatives in certain instances.

CONCLUSION

The Megarule underscores that providers must reassess and strengthen their HIPAA compliance, or face potential severe monetary consequences for their failure to do so. Though September 23, 2013, may seem like it is far away, in order to achieve new-HIPAA compliance, providers should get started now by doing a "gap" analysis to see what they are missing from a HIPAA Privacy and Security Rule perspective, what must be revised, and otherwise conduct an overall assessment of the impact of the Megarule on their practices.



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11 Ways to Turn Your Fee and Billing Policies Into a Competitive Advantage

By Trey Ryder

One important purpose of marketing is to show that your services are well worth your fee.

You want prospective clients to conclude that you have such in-depth knowledge, skill, judgment and experience that they would be foolish to hire any lawyer other than you.

Whether someone hires your services boils down to the value/price equation, which says: A prospective client will hire your services as long as he believes that the value he receives from you is (1) greater than the price he pays, and (2) greater than the value he would receive from another lawyer for the same price. Value is not a fact; it's a perception. If your client thinks he's getting value from you, he is. If he thinks he isn't, he isn't. Truth and fact have nothing to do with value. It's all in your client's mind. How your client perceives value can differ greatly from how you perceive it.

When a client opens your invoice, his value/price radar is at full alert. If he doesn't have a good idea of the amount you're billing, he can do little more than hope for the best and prepare for the worst.

You've heard people talk about near-death experiences, reporting that their lives passed before their eyes. For some clients, opening your invoice is akin to a near-death experience. As your client slits opens the envelope, he replays in his mind all the things you have done for him during the latest billing period. As he nears the final number at the bottom of the page, he asks himself one last time, "Is the amount I benefited from my lawyer more or less than the amount I owe?"

You always want your client to feel that the value he receives from you is greater than the price he pays. Part of how your client perceives your value — and responds to your invoice — is based on how you bill.

Here are 11 ways to turn your billing policies into a competitive advantage:

METHOD #1: When possible, offer your client his choice of

fee and billing options. Clients often believe your fee is one area that is completely beyond their control. When you allow clients to choose the way you calculate your fee, they are usually happier and more comfortable with the outcome because they took part in making the decision.

METHOD #2: Show your client what your fee could be under the various methods you offer. Then help your client see which method benefits him most. The more you explain your fee and your client's options, the more your client sees that you are trying to help him make the decision that suits him best.

METHOD #3: Provide a detailed description of the services you performed by each entry on your invoice. A direct relationship exists between detail and credibility. The more facts you include that describe what you did, the more credibility you give to your invoice. In the alternative, the less information you provide, the less credibility your bill has, which increases your client's skepticism.

METHOD #4: Don't charge for everything you do. Your client really likes to see N.C.s on your invoice. They may reflect a quick e-mail response or a quick question you answered on the phone. Whatever task you performed, the N.C. helps balance the figures that appear for the more time-consuming services.

METHOD #5: Bill for in-office incidentals only when your client exceeds his monthly allowance. Charging clients for what they believe is routine office overhead always results in bad feelings. Specifically, clients see photocopies as the flag bearers of inflated charges. While many clients won't raise the issue — for fear of being labeled cheap or unfair — copies are usually a sore point because nearly everyone knows what photocopies cost.

When your client sees a bill for photocopying, he thinks: At my down-the-street copy place, I can make a self-serve copy for five cents. Yet my lawyer charges me 50 cents per copy. This is clearly unfair. It's the same complaint people lodge against hospitals. I can buy an aspirin at the store for ten cents. But on my hospital

(Con't on page 23)



The Importance Of Continuing Medical Treatment

By Steven M. Gursten

Steven M. Gursten is head of Michigan Auto Law. He is president of the Motor Vehicle Trial Lawyers Association and past-president of the American Association for Justice truck accident litigation group. Steve is a Michigan Lawyers Weekly "Lawyer of the Year" and "Leader in the Law." Michigan Auto Law, 30101 Northwestern Highway, Farmington Hills, MI 48334 (800) 968-1001 www.michiganautolaw.com

Here's my latest column in my series on strategies for attorneys litigating auto accident cases. These strategies can be used to increase the underlying value of these cases, and to help establish a "serious impairment of body function" under our current legal threshold. It is my belief that each of these strategies can also be utilized *in the future as well*, should our threshold law change once again.

This month's column focuses on the importance of continuous medical documentation and continuing medical treatment for auto accident victims.

Even under the strict threshold set forth in *Kreiner v. Fischer*, continuing medical treatment is critical. All five of the "non-exhaustive" factors outlined in *Kreiner* can be satisfied by properly documenting an accident victim's continuing medical treatment.

1. *Continuing to document injuries and the impairments they cause by ongoing medical treatment shows the **nature and extent** of these injuries.*
2. *The **type and the length of medical treatment** required for these injuries is another important factor.*
3. *The **duration** of the impairment is illustrated by the need, or the lack thereof, of continuing medical treatment.*
4. *The **extent of residual impairment** can be defined by "physician-imposed" restrictions (as versus the more subjective or self-imposed restrictions by an accident victim).*
5. *Opinions on the **prognosis** for eventual recovery should be made by treating doctors, or by the plaintiff's IME (independent medical examiner).*

There were many serious problems with these five factors, all of which became very apparent during the *Kreiner* era. As lower courts attempted to follow *Kreiner*, these five "factors" proved exceedingly problematic. Simply put: the *Kreiner* factors created terrible public policy. First, *Kreiner's* emphasis on analyzing injuries through temporal/durational factors, i.e. how long an impairment lasted, meant that many very seriously injured people who nevertheless made good medical recoveries and who tried to return to work shortly after a car accident were severely punished.

Second, emphasis on "physician-imposed restrictions" (which was wholly absent in the short statutory definition of "serious impairment of body function") conflicted with what happens in real life. Most busy doctors don't patiently list out a long list of medical restrictions after an office visit. Instead, in real life, most doctors often advise, "if it hurts, don't do it." Generally, a doctor is far too busy to spend time delineating each activity a patient shouldn't do, when she has a packed waiting room.

Kreiner and its progeny made it clear that a plaintiff's IME (see my first column) is crucial for auto accident lawyers. It establishes residual impairments and physician-imposed restrictions. Also, it can show the extent of residual impairments when treating doctors are unwilling to create a list of the patient's "physician-imposed" medical restrictions and prognosis.

IMPORTANCE OF THE FIRST SIX MONTHS

Even now, post-*Kreiner*, every auto lawyer should still focus on the first six months after an automobile accident. The focus under *Kreiner* on temporal and durational factors meant that these first six months ultimately determined if an accident victim's case would be viable or not.

I do not know what the future will bring, or if our auto threshold law will change yet again, but it would be very wise for all plaintiff lawyers to remember our past to better prepare for what may come.

Your focus during these first six months should be in making sure that an auto accident victim is documenting his injuries and treating with the correct medical specialists. Most importantly, this helps your client get better. It also helps to document the medical injuries and impairment caused by a motor vehicle accident.

Lastly, it establishes critical legal documentation before the insurance companies send your client to insurance medical examiners, who will most likely terminate your client's no-fault benefits (one of the more sad consequences of practicing auto law in a state with no first-party bad faith law or punitive damages). Obviously, subsequent treatment and referral to needed specialists becomes much harder once your client's benefits have been terminated and if your client is already cut-off.

bill the charge for one aspirin is \$4.

Here's the greater problem: When your client sees a charge that he thinks is excessive, he can't help but think your other fees and charges could be excessive as well. It's like when a lawyer catches a witness in a lie. No matter how small the lie, it puts that person's credibility in question. If you ordinarily charge for incidentals, try this instead: Set a monthly overhead allowance for each client based on the amount of fees you expect to collect from that client. This allows you to absorb routine overhead up to the maximum you set, without having to foot the bill for excessive costs.

METHOD #6: Bill for rapid delivery only when the fast service is at your client's request and not the result of your tardiness. A lawyer once charged me for a Federal Express shipment because I told him I needed the documents in a hurry. The problem was, he had promised the documents to me two weeks earlier and FedEx would not have been necessary had the lawyer finished the work on time. When I brought this to his secretary's attention, she gladly removed the charge.

METHOD #7: Bill outside services at their actual cost. I started this years ago and clients regularly mention how much they appreciate it. I tell clients that when they hire me, they have full access to my suppliers and business contacts at my cost. I don't mark up any outside services. Since many marketing and advertising consultants mark up outside services by 100 percent or more, my at-cost policy adds value to my services.

METHOD #8: Proofread every bill. Clients expect that you prepare your invoice with the same care and attention that you use to perform legal services. A mistake on your invoice arouses suspicion that you might also make mistakes in their documents. In item #6 above, where my lawyer's delay resulted in FedEx charges on my bill, my lawyer had actually billed me twice for the same FedEx shipment on the same invoice. This lawyer was very smart, but when I saw how little attention he paid to my bill, I could not risk continuing to use his services.

METHOD #9: Always discuss fees and charges in advance, before prospects hire you. Fees are always a sensitive issue, even if your client doesn't bring up the subject. Show every prospect that you want to be up-front about fees and how you bill. Start by explaining everything in advance. Give your prospect a written schedule of fees and charges. State everything in a positive,

supportive way. Help your prospects see that hiring you is a good business decision. How you charge should be one of your strongest competitive advantages. If you find something about your invoice or billing method that clients don't like or don't understand, change it so clients see how your billing practices work to their benefit.

METHOD #10: Always discuss potential problems in advance. If something unforeseen happens — or causes an unexpected increase in your client's bill — take a few moments to call and explain it to your client. If you can offer your client different ways of handling the matter, make that clear as well. The last place your client wants a surprise is when he opens "the envelope." If you think your client might perceive your invoice in a negative way, call him and discuss it. Explain what you recommend. Ask if your client agrees with your solution, or if he would like you to review other options.

METHOD #11: Invite questions about your invoices. Make sure prospects and clients know that you are eager to explain anything on an invoice they don't understand. Admit that you might make a mistake and that you welcome the opportunity to review any invoice that raises a question. If you don't willingly discuss fees, one day you may find that your client leaves you without explanation. And, truth be told, the reason may be because he thought you always overcharged him — or because he never understood your invoices.

You can gain a competitive edge over other lawyers by (1) calculating fees and charges in ways that favor your clients, and (2) discussing those methods openly and in advance. Lawyers who hesitate to discuss fees may discover that their clients look elsewhere for legal services. But lawyers who discuss fees and explain how they charge add value to their services and seize yet another major competitive advantage.



Trey Ryder specializes in education-based marketing for lawyers. He designs dignified marketing programs for lawyers and law firms in the United States, Canada and other English-speaking countries. Trey works from his offices in Payson, Arizona and Juneau, Alaska. To read more of Trey's articles, visit the Lawyer Marketing Advisor at www.treyryder.com and add your name to Trey's e-mail distribution list.



The True Definition of "Credit Repair"

By Michael Jaafar

Michael Jaafar is president and co-founder of Jaafar & Mahdi Law Group P.C., a Dearborn based general practice law firm. Michael can be reached by email at michaeljaafar@jaafarandmahdi.com, or the office at 23400 Michigan Ave Suite 110, Dearborn, MI. Office number is 313-846-6400.

We've all heard the phrase "credit repair" at one time or another. And even the most experienced member of our discipline has probably wondered "Hmm, I wonder how that is done?" The truth is that "credit repair" is a misnomer. A more accurate name for this service is "credit correction." Here's why:

The Fair Credit Reporting Act is a federal law that was enacted to ensure the information of consumers is accurately reported in the form of a consumer's credit report. So when there is inaccurate information on a report that adversely affects a credit score, the only option at one's disposal is to correct that inaccuracy. And the hope is that by doing so, one's score will rise.

A credit report is a consumer's credit history and includes information such as an individual's revolving debt, payment history, and the amount of time their credit file has been open and active. The three major credit reporting agencies (CRAs) in the United States are Experian, Equifax and Trans Union. These credit reporting agencies combine all the factors they investigate regarding your credit history and create a credit score or FICO score through FICO. FICO is a company that aids in calculating and disseminating consumer's credit scores so that banks and other credit institutions can discern which individuals would be a high risk or low risk to lend money to. The most desirable FICO score would range from 720-810 as banks would interpret an individual with this score to be of low risk in regards to loaning money. An individual considered to be low risk is likely to get low interest rates on mortgage loans or credit cards. Employers will sometimes request to look at a potential employee's credit report to assess their responsibility and reliability in many circumstances.

There are several factors that can negatively affect an individual's credit report. Missing a payment or being delinquent on a payment to a credit furnisher will adversely affect your credit score as credit reporting agencies receive their information on a consumer from credit furnishers. A "furnisher" can mean a myriad of things, as many institutions provide credit information on a consumer. Furnishers can be a bank, credit card company, phone company, utility company, car company, or any other establishment that can provide information on your credit activity.



Having a judgment against you for not paying a debt will negatively impact your credit score. It is important to remain aware of the activity being recorded on your credit report. It is federal law that you are allowed one free copy of your credit report annually provided by www.annualcreditreport.com. It is important to beware of the number of credit reporting websites who claim to provide free credit reports, but often require a credit card number and a subscription. Do not be misguided by these sites that use the word "free" right in the website address to lure unsuspecting consumers into signing up for their services.

Often times there may be negative information on your credit report that was falsely reported. Credit reporting agencies go through millions of inquiries annually and mistakes are actually more common than many people are willing to believe. In the event that you notice a negative inquiry that is incorrect, it is vital to the health of your credit score to inform the furnisher and the credit reporting agency in writing of the inaccuracy. Under the FCRA, the CRA must respond to you within 30 days of receiving your inquiry or the negative report will be deemed frivolous and they then must remove the report. The more complicated the inquiry, the more likely you would want to seek the assistance of an attorney to aid in drafting a demand letter. Oftentimes, the credit reporting agency or the furnisher will refuse to remove the false negative report claiming it is accurate. It is in these circumstances that hiring a legal professional would be prudent in dealing with their reluctance to remedy their wrongdoing. Keeping your credit score in check is crucial to financially function in our society. Knowing your rights under the FCRA can prevent a lot of headache in the event of a false report.



The Financial Crisis - Is It Over?

By Ken Gross

Ken Gross is the managing shareholder and co-founding shareholder of Thav Gross PC.

In 2008, in the midst of the collapse of the U.S. economy, Ken started the financial crisis talk center radio show on WDFN 1130 AM, "The Fan," that airs Saturday mornings from 9 to 10 AM on radio and on television on MyTV20 on Sunday afternoons at 1:00 PM. Ken recently published "DUMP YOUR DEBT – So your income goes in the bank and not to the bank." The book, published by OPT Books is a hands on guide to financial crisis issues and is available on Amazon.com. Contact him at (248) 645-8200 or email KenGross@ThavGross.com.



It has been a long road since November, 2008. Fifty-two months have passed since the collapse of the auto and banking industries. Is the financial crisis over? Are we beyond the trauma associated with high unemployment, slow growth and depressed real estate prices? I have no idea. If you watch CNN, Fox News and the rest – you can be confident that they too have no idea. Two days after the sequester went into effect, the pundits were saying we're heading into the abyss – another recession will spawn from reduced spending. Forty-eight hours later, the stock market had reached its record high and sustained it for two days and the same pundits were declaring that the financial crisis was over.

Let's pretend that the crisis has passed. Does this mean we can return to the good old days and resume old habits like the magic words, "Charge It"? Is it time to head to Nordstrom, Lord & Taylor and Best Buy this weekend and have a grand old time? Can we check our retirement accounts every day and *watch them grow!* Should we return to the old days of feeling secure as long as we had ample available credit and not worry about whether we have sufficient cash in the bank? So what if our credit card balances creep up to \$50,000, at 20% interest and we are paying \$10,000 per year, after tax, just to pay the interest. Is that a problem? It didn't worry too many people back in 2000 – 2007. While dreaming, just think – if property values keep going up (I mean really keep going up) maybe we can get back to refinancing our homes and pulling the equity out to either pay down our credit cards or finance our children's education. Boy oh boy – let the good times roll!

Are you catching my drift? What went on in the years leading up to the financial crisis was a frivolous, self-indulgent consuming public that was fed available credit by the mortgage and banking industry that was equally self-indulgent in its quest for profit. The available credit fueled consumer spending, which drives small business and employment – and resulted in positive GNP. The economy spiraled upward – like a tornado. All was fine until it blew its stack, sucking up 16 million homes, 8.8 million jobs and wreaked havoc with the American way of life. So what did we learn from this? If you ask me, we have learned that we cannot return to the days preceding the Great Recession. Available credit, while nice to have, doesn't exist when a financial crisis arises because the banks slash available credit in a panic regardless of your stellar pay history. We know that equity in real estate, once thought to be a staple measure of net worth, can simply go "poof." The lesson is – we need to save money for our retirement and must have cash in the bank as a cushion in case the economy spins out of control. Congress demonstrates to us daily that we cannot rely on them to solve our nation's problems. The task is daunting - a \$16 trillion deficit that grows by \$3.87 billion per day, Medicare and Social Security all need to be resolved. The smart play is we must take charge of our future by establishing firm goals for saving and avoiding credit card debt at all costs. Then, we can let the chips fall as they may.

There is a drawback to this plan. If the consuming public becomes more conservative in managing their personal finances, then less spending is funneled to the economy. Less spending means less growth in small business and employment – which, as we witnessed since 2009 - is not good for attorneys. So if you are the goose and the economy is the gander, then, "What is good for the goose is not good for the gander." So be smart and share the thought with your clients that there is a smarter path while the rest of the economy slips back to the credit consuming spending patterns that will fuel the economic growth we all need.



An Overview of Proposed Comprehensive Immigration Reform

By Sarah E. McElwaney

Sarah E. McElwaney is an associate at Siegel, Gross & Tou, PC, a law firm specializing in all aspects of business and family immigration law. She graduated from Wayne State University Law School. Ms. McElwaney's practice focuses on family-based petitions, waivers of removability and deportability and removal cases. Ms. McElwaney is a member of the American Immigration Lawyers Association ("AILA"). Siegel, Gross & Tou is located in Clawson, MI. Ms. McElwaney may be contacted at 248-439-1595 or at sarah@sgimmigration.com

On April 16, 2013, the 'Gang of Eight', a bipartisan group of senators, presented their proposed plan for immigration reform. The more significant proposals are addressed here*:

LEGALIZATION AND LEGAL IMMIGRATION:

- Registered provisional immigrant ("RPI") status: a new status for undocumented individuals. Currently undocumented individuals face a myriad of challenges in adjusting to a legal status and, in some cases, are ineligible to adjust. Many of these individuals are spouses and parents of US citizens.
- The individual would have to prove that he or she has resided in the US prior to 12-31-2011 and has maintained continuous physical presence.
- Individuals would have to pay a penalty fee.
- Certain criminal convictions would make an individual ineligible: felons, aggravated felons, three or more misdemeanors convictions, a foreign conviction, unlawful voting and persons deemed inadmissible for criminal, national security, public health or morality grounds.



The individual would have to prove that he or she has resided in the US prior to 12-31-2011 and has maintained continuous physical presence.

- Derivative status would be available for spouses and children.
- Work and travel authorization would also be authorized for derivatives.
- Those in RPI status may also be eligible to adjust to permanent resident status ten years after enactment.

LEGAL IMMIGRATION:

- The family and employed-based visa category backlogs would be eliminated. Currently many of the available categories have substantial backlogs.
- The four family-based preference categories would be consolidated into two categories and US citizens would no longer be allowed to sponsor siblings. **Any US citizens with foreign siblings are encouraged to start the sponsorship of their siblings now.**
- "Immediate relatives" would include the spouses and children of lawful permanent residents.
- There would be an increase in the percentage of employment visas for skilled workers, professional and other professionals to 40%. The bill maintains the percentages for most other categories.

MERIT BASED VISA:

- This new program would begin the fifth year after CIR's enactment. However, merit-based immigrant visas would be allocated beginning October 1, 2014 for the following specified groups: (1) employment-based petitions which have been pending for three years; (2) family-based petitions filed before the enactment of this proposal and

There would be an increase in the percentage of employment visas for skilled workers, professional and other professionals to 40%.

pending five years; and (3) other long-term alien workers or other merit-based immigration workers.

- It would offer 120,000 visas per year to those individuals with the highest point totals.
- Points are awarded based on: education, employment, length of residence in the US and other considerations.

EMPLOYMENT VERIFICATION

- E-verify would become mandatory for all employers within five years of enactment.

H-1B VISAS: SPECIALTY OCCUPATIONS FOR EMPLOYEES WITH AT LEAST A BACHELOR'S DEGREE

- The H-1B quota would increase from 85,000 visas per year to 115,000 (including the regular and US master's quota). The US master's quota would be limited to those holding advanced degrees in science, technology, engineering and mathematics. The H-1B quota has been oversubscribed for the last decade, being reached this year within days of opening.
- The quota may go as high as 180,000, increasing by no more than 10,000 additional visas each year, based on the High Skilled Jobs Demand Index formula.
- Spouses may obtain work authorization if the employee's home country grants a similar provision for spouses of US workers.

Points are awarded based on: education, employment, length of residence in the US and other considerations.

LOW-SKILLED WORKER VISA (W-VISA): A new visa category would allow aliens who enter the US to work in certain services or perform certain labor for a registered employer in a registered position.

- The visa holder must maintain a foreign residence.
- The Bureau of Immigration and Labor Market Research would be created to oversee the new program.
- Employers wishing to take part in this program would apply to become a registered employer. If approved, the employer would be registered for three year increments.
- There would be a quota every six months, twice a year. 50% of the yearly available visas will be used during each quota period.
- Portability: A W-visa holder may seek out and accept employment with a different registered employer in any registered position.

Although comprehensive immigration reform has not yet passed, clients should still be made aware of any proposed changes which could help them. If you have a question regarding immigration you should contact an immigration attorney for expert advice. The long term consequences of inaccurate legal advice can be devastating. Never risk your client's future when an expert is just a phone call away.

**The information in this article summarizes the "Outline of the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013." (AILA Doc. No. 13041603).*




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TALK of the TOWN

AWARDS – ANNOUNCEMENTS – PRESS RELEASES – PROMOTIONS

► Bloomfield Hills, Michigan - based **Oakland County Bar Foundation (OCBF)**, an organization serving the citizens of Oakland County and the legal profession, announced today that the 14th Annual Signature Event raised \$266,200 for law-related programs across Oakland County. More than 400 influential members of the legal community were in attendance on April 19, 2013.

“Our grant requests continue to increase as we navigate our way out of this economic downturn, and for the 14th consecutive year, our membership and sponsors have come through in a tremendous way,” OCBF President Liz Luckenbach said. “Their generosity and ongoing support ensures we have the resources to help fund even more local legal aid and education nonprofits in the coming year.”

In total, \$204,000 was raised from sponsorship activity and an additional \$61,650 was raised in ticket sales, as well as \$550.00 in donations, for a grand total of \$266,200.

Since 2002, OCBF has contributed more than \$1.2 million to legal assistance and legal education programs. Proceeds from events have included but aren't limited to The University of Detroit Mercy Mobile Law Office, Family Law Assistance Project, Legal Aid Mini Clinics, William Beaumont Hospital Legal Aid for Children and Families, Youth Law Conference and Seniors' Law Days.

Founded in 1999, The Oakland County Bar Foundation's mission is to serve the citizens of Oakland County and the legal profession by funding or promoting several programs, including those that foster the honor, integrity, welfare and understanding of the law and the legal system; educate the public on the role of lawyers in our society; and improve the accessibility and affordability of legal services. The OCBF also supports the Adams Pratt Collection at the Oakland County Courthouse Library. For more information, please visit www.ocba.org.



OCBF President Liz Luckenbach with Jaffe Raitt Heuer & Weiss Partner and OCBF Charter Fellow, Peter Alter and Attorney Donald McGinnis Jr., a life fellow of OCBF.



Seated L to R: Alan Ackerman (Secretary), Liz Luckenbach (President), Daniel Quick (Vice President) and Eric Pelton (Treasurer); Standing L to R – Michael Schloff, Gerald Fisher, James Derian, Brenda Orlando, Diane Dietle (Emeritus Trustee), Thomas Howlett, Joseph Papelian, Mark Stern (Emeritus Trustee), Kirsten Gramzow, Thomas Cranmer (Emeritus Trustee), Thomas Tallero, Charles Moore, Cynthis Brazzil (Emeritus Trustee), Michael Sullivan, Patrick McCauley (Immediate Past President), Kaveh Kashef, Lynn Capp Sirich and Michael Kahaian.



Event Chair and OCBF Emeritus Trustee Diane Dietle with Hon. Wendy Potts.

► **Kitch Drutchas Wagner Valitutti & Sherbrook**, headquartered in Detroit with offices in Okemos, Mt. Clemens, Marquette, Toledo and Chicago, is pleased to announce the following attorney promotions to senior associate and wishes to acknowledge each individual's outstanding accomplishments.

Matthew Aaron Brooks focuses his practice on appellate law. He received his J. D., magna cum laude, from Michigan State University College of Law. He earned his Bachelor of Arts from Kalamazoo College.



Matthew Aaron Brooks



Kristen L. Cook

Kristen L. Cook concentrates on labor and employment litigation. She received her J.D., cum laude, from Loyola University Chicago School of Law, where she was a member of the Loyola Law Journal. She also received a B.A. with honors from the University of Michigan, Ann Arbor.

Joslyn Muller's practice emphasizes medical malpractice defense litigation. She served as law clerk to Justice Marilyn Kelly of the Michigan Supreme Court. Joslyn received her J.D., summa cum laude, from the University of Detroit Mercy, where she was editor-

in-chief of the Law Review. She also earned a B.A. in political science from Wayne State University.

E. Joe Wloszek is member of the firm's commercial litigation practice. He offers experience in the areas of commercial litigation, commercial real estate, large contractual disputes, prevailing wage compliance and title litigation. He received his Juris Doctor from the University of Detroit Mercy School of Law, where he was a competitor in the National Jerome Prince Memorial Evidence Competition, president of the Federalist Society and intern with Justice Stephen Markman of the Michigan Supreme Court. He also holds a Bachelor of Arts in economics from Hillsdale College.



E. Joe Wloszek

► **Julianne Cassin Sharp** has been named partner at Southfield, Mich. - based **Jaffe Raitt Heuer & Weiss, P.C.** Jaffe CEO Bill Sider made the announcement.

A member of the firm's immigration and litigation practice groups, Ms. Sharp is a leading bilingual attorney in Spanish and English, specializing in immigration and nationality law, including business immigration matters,



Julianne Cassin Sharp

family immigration matters and representation of individuals before the U.S. Immigration Court. She works closely with both corporations and individuals regarding their immigration needs, specifically worksite enforcement, corporate compliance—including I-9 audits and policy review, foreign labor certification, employment-based petitions, family-based petitions, naturalization, and representation of individuals in removal proceedings. Ms. Sharp serves on the national steering committee for the new members division of the American Immigration Lawyers Association.

She also advises members of the community on immigration issues on a pro bono basis through Latin Americans for Social & Economic Development and the Legal Aid Clinic through Most Holy Trinity Catholic Church in Detroit.

► **Jesse M. Reiter** of **Reiter & Walsh, P.C.** was re-elected as co-chair of the firm’s birth trauma litigation group at their annual meeting held on February 10, 2013. He coordinated and moderated the birth trauma litigation group seminar on February 10, 2013 at the American Association for Justice’s Winter Convention held in Miami, Florida.



Jesse M. Reiter

Reiter has over 25 years’ experience in the field of birth trauma, and his many accolades include being honored as a Michigan Lawyers Weekly Leader in the Law in 2012, and Lawyer of the Year in 2006. He has been listed in Michigan Super Lawyers Magazine since 2008, along with Best Lawyers in America and DBusiness Magazine’s Top Lawyers in Metro Detroit. He is a past-president of the Michigan Association for Justice.



Christopher J. Moceri

► **Christopher J. Moceri**, a partner at Southfield, Mich.-based **Jaffe Raitt Heuer & Weiss, P.C.**, has been named deputy practice group coordinator for the firm’s corporate practice group. In his new role, Mr. Moceri will work alongside Jaffe partner and corporate practice group coordinator Joel Alam. Jaffe CEO Bill Sider made the announcement.

Mr. Moceri was promoted to partner in 2011, and has developed a robust practice counseling his clients through complex business transactions, including mergers and acquisitions, equity financing, joint ventures and other general corporate matters. A recognized attorney, in 2012 Mr. Moceri was elected by his peers as a Rising Star by Super Lawyers magazine.

Completing his bachelor’s degree from Michigan State University, Mr. Moceri earned his juris doctorate at Michigan State University College of Law, graduating magna cum laude. While pursuing his degree, he served as senior managing editor of the Michigan State Law Review.

► **Mikhail Murshak** recently joined the law firm of **Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C.** located in Troy, MI



Mikhail Murshak

Mr. Murshak received a B.S. in chemical engineering from Michigan State University and his J.D. from the University of Connecticut School Of Law where he attended as an Oliver Ellsworth Scholar. Mr. Murshak is admitted to practice in Michigan, Connecticut, New York, and before the U.S Patent and Trademark Office. He currently provides pro bono IP counseling to the

Jackson Inventors Network and Lansing Inventors Network. He also assisted in launching the Michigan Inventors Coalition. From 2008 until 2011 Mr. Murshak served on the board for the Entrepreneur Institute of Mid-Michigan, a non-profit dedicated to providing micro-lending and business plan education to qualified members of the community. In addition to his patent practice, he teaches Patent Office Practice as an adjunct professor at Thomas M. Cooley Law School. He also spent two years teaching calculus as a teaching assistant at Michigan State and participated in the Street Law program in law school teaching constitutional law to inner city high school civics classes. His Street Law experience earned him the Alvin Pudlin Memorial Award for excellence in First Amendment Advocacy.

► **Professional Resolution Experts of Michigan (PREMi)** continues to bolster its ranks, most recently with the addition of Metro Detroit attorney **Richard L. Hurford** and retired Bay County Circuit Court Judge **William J. Caprathe**.

William Caprathe was a successful trial attorney for 10 years before moving to Bay City to join and soon lead the Bay County Public Defender’s Office. In 1980, he was elected to the Bay County Circuit Court, where he presided for three decades and was chief judge from 1984 to 1997 before eventually stepping down in 2010. During his time on the bench, he participated in numerous state and national judge associations and served as president of the Michigan Judges Association and chairman of the judicial conference of the State Bar of Michigan.

Richard Hurford has practiced as a shareholder with top firms in the region and nation and has extensive dispute resolution experience as director of litigation in the legal department of a Fortune 200 company. He brings to PREMi more than 34 years of experience in employment law, business and commercial transactions and disputes, construction, medical malpractice, personal injury, and products liability.

PREMi’s attorneys work with parties in conflict across Michigan and around the country, utilizing creative approaches and processes to achieve meaningful results. For more information, visit their website: www.premi.us.



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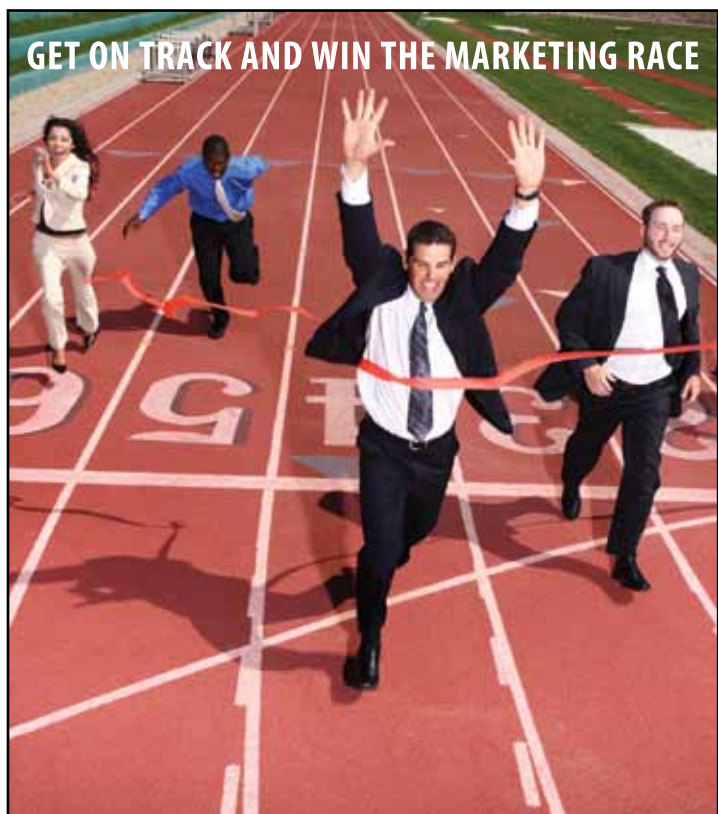
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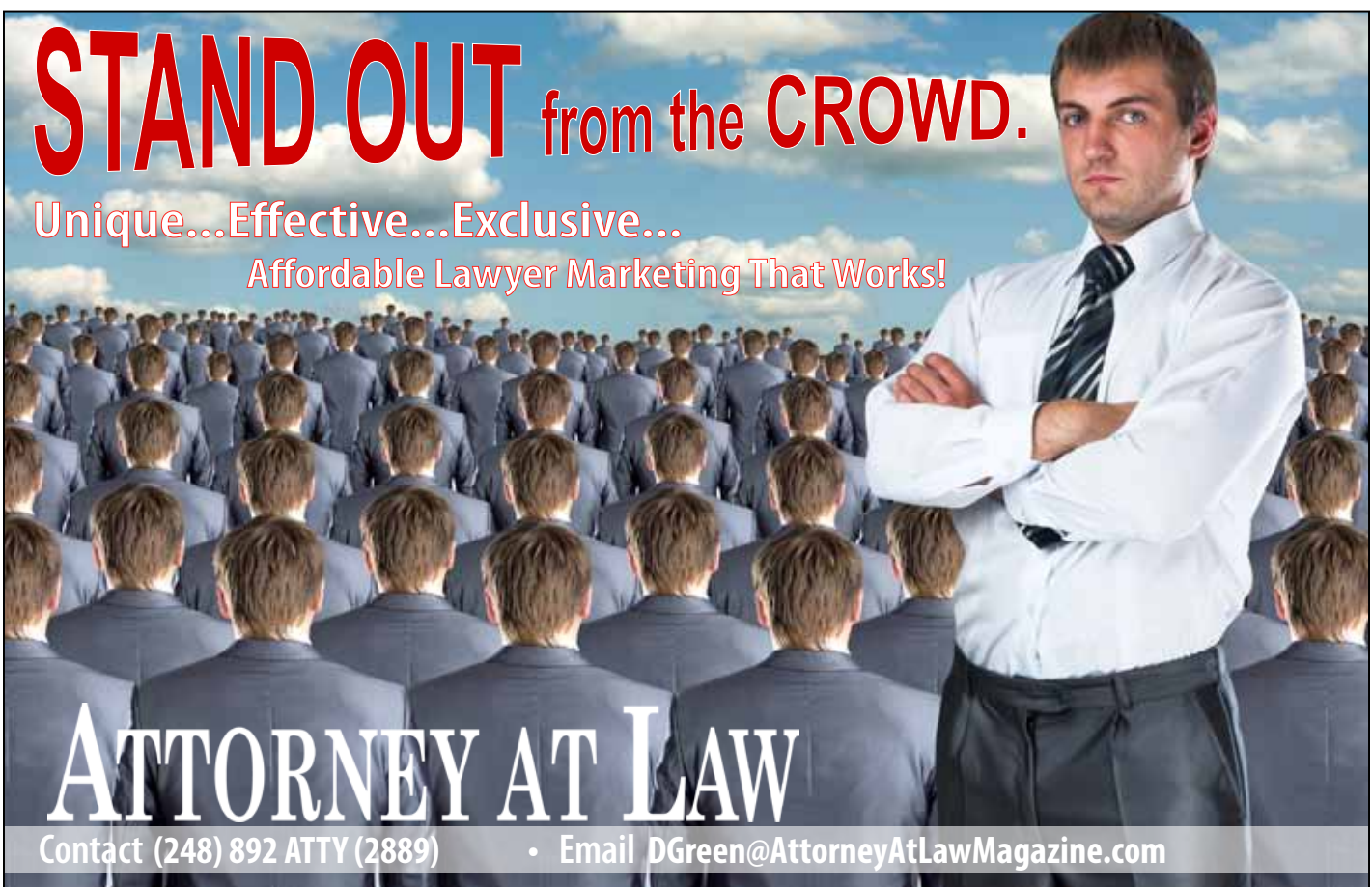


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