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## PROFILE IN BRIEF

BY SHEILA PURSGLOVE  
Legal News

### Jonathan Ajlouny Gold Key Honoree



Jonathan Ajlouny

Attorney Jonathan Ajlouny can perhaps thank author John Grisham for his law career.

In 6th grade, Ajlouny came across Grisham's book "The Firm" at his aunt's house—and stayed up all night reading it.

"I was fascinated by it and ever since then, I knew this was the career I wanted," he says. "While not

as dramatic as the book, my path to becoming an attorney has reaffirmed this is the right career."

After earning his undergrad degree in International Studies and Economics from the University of Michigan, Ajlouny headed to Wayne State University Law School, where he maintained his academic standing in the top 10 percent of his class; received the school's highest academic honor, the Gold Key Award; and graduated cum laude last year.

He has particular praise for his law school professors.

"Wayne Law really brings in some engaging and intelligent people," he says.

Ajlouny was a founder of the Wayne Law Journal of Business, in which he was elected and served as Editor-in-Chief for its inaugural year. Founding the JOB was "quite the learning experience," he says.

"I've always had the mindset that just because something hasn't been done before, doesn't mean I can't do it," he says. "I take the same mindset into the practice of law—I'll argue non-traditional theories if I think there's a basis for them or take different paths to obtain an end goal. I like the excitement of working outside the box."

A 6-month internship for Michigan Supreme Court Justice David F. Viviano was Ajlouny's first taste into what it meant to be a lawyer.

"I truly enjoyed it," he says. "Justice Viviano is engaging in his work, and he expected the same from his clerks and interns. I was impressed with how the Supreme Court operates at such a high level and with such a high volume of cases."

Ajlouny also interned for Magistrate David R. Grand, at the U.S. District Court for the Eastern District of Michigan, in 2015.

"Justice Grand was spectacular to work with," he says. "One of the main takeaways I got from my experience is that no one is right 100 percent of the time and you can't have a fear of being wrong. This is something I've taken to heart."

Ajlouny, who also clerked at Zausmer, August & Caldwell, PC in Farmington Hills and at Kitch Drutchas Wagner Valitutti & Sherbrook, P.C. in Madison Heights, is now an attorney at Mantese Honigman in Troy, specializing in business litigation, shareholder disputes, and health care law.

"Business litigation has always been where my heart is," he says. "I love coming to work every day and practicing business law. I've always rooted for the underdog, and I get to do so representing minority shareholders in business litigation. It's motivating to get my clients the results that they deserve."

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## SBM Young Lawyers Section presents 'Taking Yourself to Higher Ground'



Pictured are (l-r) Stephanie Martin, Kristina Bilowus, April McKie, and Liza Ann Esqueda.

The State Bar of Michigan Young Lawyers Section ("YLS") sponsored an interactive presentation for young lawyers and law students at University Detroit Mercy Law School featuring attorney and entrepreneur, April McKie. "Taking your Professional and Personal Self to Higher Ground," April encouraged the audience to create goals for professional and personal success, while challenging them to highlight specifics of what they want to accomplish. April provided tips to finding professional satisfaction and personal happiness. By giving each audience member a handout that served as a roadmap, each participant was encouraged to write their own narrative, identify individual strengths, create spe-

cific goals to a dream life, outline obstacles to achieving those dreams, and ways of overcoming the obstacles. A mother of six children, April provided unique insight as to balancing a career and personal life. "It's truly an honor to have April speak and share her wisdom - she's an inspiration," YLS Executive Council Member and event coordinator, Kristina Bilowus said. The goal of the presentation was to bring together law students and young lawyers alike to encourage them to dream big while creating attainable goals. Several UDM law students and young lawyers participated in the event, which was held during a buffet pizza luncheon.

## Pediatric Advocacy Clinic works to support a parent's final act of love

BY KRISTY DEMAS  
U-M Law

The death of a child is a parent's worst nightmare, but for parents of terminally ill children, how that child dies can be just as excruciating. Students from Michigan Law's Pediatric Advocacy Clinic (PAC), under the direction of Clinical Professor Debra Chopp, have been working on legislation that would give parents in Michigan greater control over end-of-life care for their children.

Their work stems from a case involving Willy Pickett from Saline, Michigan, who was born with a brain condition that, doctors speculated, might allow him to reach age 2. Despite his short life expectancy, his mother, Dawn Krause, made every effort to ensure his happiness and comfort. She found him a school with a swimming pool—which he loved—and met his numerous medical needs around the clock, which likely contributed to him outliving doctors' predictions by nine years.

During those years, however, multiple health setbacks forced Willy's parents to contemplate his imminent death. They ultimately decided to sign a do not resuscitate (DNR) order for him under the advice of Dr. Kenneth Pituch, Willy's palliative care physician at U-M's C.S. Mott Children's Hospital. Pituch said measures like CPR would not extend Willy's life, but would instead cause him pain and distress.

Despite the parents' difficult decision to write a DNR for Willy, Washtenaw Intermediate School District, where Willy was enrolled,

refused to honor it. The district wanted the family to obtain a court order enforcing the DNR—something Willy's family wasn't sure how to pursue.

Enter Chopp and the PAC student-attorneys, who were contacted by the family's hospital social worker. "Willy and his family were dealing with a huge burden and needed an advocate," said Chopp. "Once we heard about the case, we stepped in."

Many of the specialty clinics at Mott refer their toughest cases to the PAC. "We have a long-standing medical-legal partnership with these providers," said Chopp. "The cases we see affect the most vulnerable families, like Willy's, whose case we took even though we weren't sure where to start."

Sadly, Willy died while litigation against the Washtenaw Intermediate School District was pending. But the problem persisted for other children in the state. Chopp and her students wanted to figure out a way to address it for more than one child at a time. They decided to start with a strategy session where students like 3L Dorian Geisler brainstormed solutions. "I was not expecting my clinical work to be at this level—dealing with so many stakeholders in the medical community, the schools, and in Lansing," said Geisler. "I was inspired by the hospital staff who were working on this outside of their normal jobs—a situation fraught with legal components."

Learning as they went along, Chopp's students took the case from the office to the capitol building in Lansing. Their work included filing

Freedom of Information Act requests for the DNR policies from every intermediate school district (ISD) in the state—some ISDs do not have one—and meeting with Scott Menzel, superintendent of the Washtenaw Intermediate School District. Eventually, the students worked with Chopp to draft legislation that would amend the Michigan Do-Not-Resuscitate Procedure Act to ensure schools would be obligated to honor a DNR in place for one of their students without being held liable for doing so. Chopp testified on behalf of the amendment in early February.

While Menzel initially had refused to honor Willy Pickett's DNR without a court order, he, too, wound up testifying in Lansing in support of the amendment that Chopp and the students drafted, because it would remove liability from schools. The legislation, which is pending after being introduced by Senators Rebekah Warren and Rick Jones, would apply to a minuscule, but growing portion of society—school-aged children with terminal illnesses.

"With updated medical care and procedures, children with incurable diseases are living much longer. And, Michigan law requires that all students with disabilities be given a free appropriate public education up to age 26 if developmentally/cognitively impaired, so the number of children potentially needing this protection is increasing, and will continue to do so," Chopp explained.

"This bill was not just about Willy, but about kids like him, whose parents will know that when the time comes, their child will leave this life as painlessly as possible."

## ABA issues new guidance on what a lawyer should do when a mistake is made

The American Bar Association Standing Committee on Ethics and Professional Responsibility released today Formal Opinion 481 that addresses a lawyer's duty to inform a current or former client when the lawyer made a material error.

Under Model Rule 1.4 of the ABA Model Rules of Professional Conduct, a lawyer is required to inform a current client of a material error. A material error is an error that a disinterested lawyer would conclude is reasonably likely to harm or prejudice the client, or an error that is of such nature that it would reasonably cause a client to consider terminating the representation. Many states have adopted a similar rule.

But Model Rule 1.4 does not address the lawyer's obligation to a former client when the representation has ended and there is no continuing relationship between the attorney and client on that or other matters. New Formal Opinion 481 says in those cases an attorney has no professional obligation under Model Rule 1.4 to disclose the past error, however material it might be.

"Good business and risk management reasons may exist for lawyers to inform former clients of their material errors when they can do so in time to avoid or mitigate any potential harm or prejudice to the former client," the formal opinion said. "Indeed, many lawyers would likely choose to do so for those or other

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## In Command



Photo by John Meiu

Retired U.S. Army General David H. Petraeus was the keynote speaker at an April 12 lecture hosted by Wayne State University. Petraeus, who served as director of the Central Intelligence Agency from 2011-12, addressed the topic, "National Security: How safe are we at home and around the world?" as part of the Forum on Contemporary Issues in Society's 10th anniversary lecture series titled, "What in the World is Going on?" Petraeus was appointed by President George W. Bush to head multi-national forces in Iraq (2007-08) and later was commander in chief of U.S. Central Command and commander of U.S. and NATO forces in Afghanistan.

## DAILY BRIEFS

### OCBA to present seminar on seeking equitable relief in Oakland Business Court

"Seeking Injunctive and Other Equitable Relief in Business Court" is the title of a seminar offered by the Oakland County Bar Association on Wednesday, April 25.

"Business Court practitioners seeking appointment of a receiver, injunctive relief or any other type of equitable relief need to understand how such motions are handled in the business court and what can be done to position their clients to obtain a favorable result," a spokesperson for the OCBA said.

Oakland County Circuit Judges James M. Alexander and Wendy L. Potts will attend to share their insights regarding practice in Oakland County Business Court. The seminar takes place from 5:30-7:30 p.m. at the OCBA offices, 1760 S. Telegraph Rd., Bloomfield Hills.

Panelists include: Joseph A. Doerr, of the Doerr Law Firm; Joseph K. Grekin, of Schafer and Weiner; and Robert Sosin, of Alspector Sosin & Noveck. Attorney Jordan S. Bolton, of Clark Hill, will moderate.

Topics of discussion will include the law underlying requests for equitable relief, including recent statutory amendments; drafting tactics to improve a client's chances of success; and procedural tips and tricks to strengthen an argument in favor of or in opposition to such a request.

Pre-registration is recommended since seating is limited. Pre-registration for this lecture ends April 24, however, walk-ins are welcome. To register, go to [www.ocba.org/events](http://www.ocba.org/events).

### Foster Swift attorneys to present at probate seminars May 4 and 23

Foster Swift estate planning attorneys, Nicolas Camargo, Matthew Fedor and Trevor Weston, will be among the presenters at two upcoming probate seminars. These seminars are entitled The Probate Process from Start to Finish. These seminars are hosted by the National Business Institute (NBI).

The first seminar is Friday, May 4 and takes place at the Holiday Inn Express & Suites Southfield - Detroit 25100 Northwestern Highway Southfield, MI 48075. This basic level seminar will provide those who have limited probate experience (attorneys, accountants, paralegals etc.) with tips on successfully handling a probate case.

The second seminar is Wednesday, May 23 and is located at the Holiday Inn Grand Rapids - Airport 3063 Lake Eastbrook Grand Rapids, MI 49512. This basic-to-intermediate level seminar is designed for paralegals, legal assistants, legal secretaries and other legal support staff who want to increase their effectiveness when working within the probate process.

Camargo, Fedor and Weston practice out of the firm's Southfield office in the areas of trust & estate litigation, estate planning, elder law and business & corporate law.

For registration and more information on the May 4 seminar, visit <https://www.nbi-sems.com/ProductDetails/78901ER?cname=SPKEM>

For registration and more information on the May 23 seminar, visit <https://www.nbi-sems.com/ProductDetails/78684ER?cname=SPKEM>

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Standardized test requirement could become optional

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## Money Matters

BILL BOERSMA, BRIDGETOWER MEDIA NEWSWIRE

### Life insurance in today's estate tax world

As might be expected, I'm getting more calls lately from advisors, on behalf of their clients, asking what should be done about life insurance no longer needed for estate liquidity purposes.

I generally answer the same way every time: "Let's evaluate the policy and then talk about options." Depending on the client situation, the first issues I discuss with the advisor are what happens when the current estate tax law sunsets, and does your client really want to bank on what the tax laws will be, 17, 28 or 42 years from today? With life insurance, it seems many people will jump on a reason to walk away.

Your clients are big kids so if they decide to bail on a policy and that turns out to be a mistake, they can live with it. However, it's important that they're making these decisions with all the data they need to make an informed decision and not an emotional one.

#### An objective financial analysis

With an in-force ledger in hand, I perform an internal rate of return calculation to show them what they have. Sometimes, this is surprising, positively or negatively. What I propose to provide is black and white information. I'm going to stay agnostic relative to product style, carrier and IRR. After all, let's say the tax-free rate of return at actuarial life expectancy is 5 percent. Who am I to say if that's good or bad? Someone who has most of his money in CDs and conservative investments might feel that's a good use of money, while a business owner making 25 percent on her money might question why she'd ever distribute capital to fund such a vehicle.

I take the current cash surrender value and enter it as present value, the death benefit at life expectancy is future value, the number of years to life expectancy (or whatever duration is desired) and the premium payment. I calculate interest. If the life insurance contract is one that's designed to accumulate reasonable cash value, I also calculate the IRR on the premium to future cash value so we can evaluate it as an accumulation vehicle.

#### Case studies

Let's take two recent files on my desk. One was a relatively new whole life contract. My calculations show the IRR on premium to death benefit at life expectancy to be about 4 percent, while the IRR on cash value is two point something percent most of the time and tops out at 3 percent at age 90. This client decided it wasn't

worth it and is going to exit the policy.

The next policy was a survivor Guaranteed Universal Life on a 77-year-old couple. It was put in force as a single pay and is guaranteed for life with no additional premiums. Running the IRR numbers at 10, 15, 20 and 25 years, the IRR on current cash surrender value to guaranteed death benefit is 16.59 percent, 10.78 percent, 7.98 percent and 6.33 percent, respectively. Mind you, that's 87, 92, 97 and 102 years old. At age 97, they're looking at an 8 percent guaranteed, net, tax-free return that's a double digit tax equivalent return. This is an unduplicable financial transaction.

Knowing the return of the transaction, the clients can now decide if there's any useful reason to keep the contract in the absence of estate taxes. If cash flow into a contract isn't an issue, and it looks to be a good use of money, then the policy can be maintained as a part of a diversified estate portfolio or legacy planning or used for charitable purposes.

#### Tweaking existing contracts

Often I find many people failing to evaluate tweaking an existing contract. If the policy needs premiums, what does the death benefit need to be reduced to for it to stay in force indefinitely with no more cash flow? Is there a way to better use dividends or manage loans? I've seen GUL contracts with little or no cash surrender value stay in force for a couple of decades with no premium paid, even when they were designed to assume premiums paid annually.

#### Alternatives

Assuming a decision is made to bail on the contract, please advise your client to not simply cash it in without further analysis. For some, a life settlement may be a windfall. There's still a robust settlement market, and this potential increase in value should be evaluated if it's in the cards. Beyond that, virtually every contract is in a gain or a loss position. If in a gain position, let's evaluate ways to eliminate or mitigate the gain. If it's in a loss position, let's evaluate ways to salvage the loss in the contract. One would never take a loss on real estate or investments and not bother to share this with the accountant. Why should life insurance be any different?

Once everything is evaluated, policy owners can take advantage of the most favorable opportunities or cut and run and put the funds into investments or dissolve the trust and distribute to the kids. The freed-up cash flow can be used for taking the grandkids to Disney or buying

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# Business & Economy

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## BUSINESS

### Starbucks faces image crisis after arrest of 2 black men CEO promises to revamp management training to address 'unconscious bias'

By ALEXANDRA OLSON  
AP Business Writer

NEW YORK (AP) — Three years ago, Starbucks was widely ridiculed for trying to start a national conversation on race relations by asking its employees to write the words "Race Together" on coffee cups. The initiative, though it backfired, was in line with the company's longstanding effort to project a progressive and inclusive image.

The company is now through the looking glass, trying to tamp down a racially charged uproar over the arrest of two black men at one of its stores in Philadelphia. How could Starbucks, which once urged its employees to start conversations about race with customers, now be under fire for its treatment of black people?

The episode highlights the risks large corporations run when they tie their brands so closely to social messaging. In 2015, then-CEO Howard Schultz shrugged off the "Race Together" fiasco as a well-intentioned mistake and pressed on with his public efforts to engage in the debate over race in America. His successor, Kevin Johnson, is now scrambling to keep the Philadelphia incident from shattering the message Schultz was going for: Starbucks is a corporation that stands for something beyond profit.

"The more your brand is trying to connect emotionally to people, the more hurt people feel when these kinds of things happen," said Jacinta Gauda, the head of the Gauda Group, a New York strategic communications firm affiliated with the Grayling network. "They are breaking a promise. That's what makes it hurt deeper."

Beyond racial relations, Starbucks has staked much of its brand on its dual promise of providing good customer service and treating its employees well, said John Gordon, a restaurant industry analyst with Pacific Management Consulting Group. The Seattle company has a reputation for well-managed stores, "a point of difference that allows them to sell primarily drinks and coffees that have a higher cost," he said.

But in a multinational company with more than 28,000 stores worldwide, there has "to be a situation every day where some human being handles things wrong. You can't have that many employees and not have something stupid happen," Gordon said. "Even with a huge operations manual that lays out what to say and what to do, you can't cover everything."

Still, Starbucks has set its own high bar.

Last month, the company claimed it had achieved 100 percent pay equity across gender and race for all its U.S. employees and

committed to doing the same for its overseas operations, an initiative publicly backed by equality activist Billie Jean King. The company also touts the diversity of its workforce, saying minorities comprise more than 40 percent of its employees in the U.S.

In 2016, Starbucks promised to invest in 15 "underserved" communities across the country, trying to counter an image of a company catering to a mostly white clientele. One of those stores opened in Ferguson, Missouri, the scene of the 2014 protests that erupted following the police shooting of Michael Brown, one of several such killings that moved Schultz to launch the Race Together campaign.

Those efforts are in stark contrast to the video that went viral over the weekend showing the two black men being arrested by police who were called by an employee. Officials have said police officers were told the men had asked to use the store's restroom but were denied because they hadn't bought anything and they refused to leave. A Starbucks spokeswoman said Tuesday that the employee no longer works at the store, but declined to give further details.

On Monday, about two dozen protesters took over the Philadelphia shop, chanting slogans like, "A whole lot of racism, a whole lot of crap, Starbucks coffee is

**The episode highlights the risks large corporations run when they tie their brands so closely to social messaging.**

anti-black." The hashtag #Boycott Starbucks trended on Twitter.

Johnson, who called the arrests "reprehensible," arrived in Philadelphia this weekend to personally confront the crisis. He met with the two men Monday, the company's spokeswoman said. Johnson also promised to revamp store management training to include "unconscious-bias" training.

"I watched the video, which was hard to watch. That is not what Starbucks is about. That is not representative of our mission, our values and our guiding principles," Johnson said.

Gauda, who has developed workplace inclusion and diversity strategies for corporate clients,

cautioned that any unconscious-bias training should not be treated as "special subject" but incorporated as a core part of its employee training. She warned Starbucks against treating Philadelphia as a one-off affair, urging the company to investigate whether there were any warning signs.

"I would suspect that this particular issue is something that has occurred before," Gauda said. "The company is in crisis mode now, but they should not look at this as an isolated issue."

Gauda and other corporate communications experts said they were impressed that Johnson immediately took a hands-on approach to addressing the crisis, saying his efforts would pay off in an age where corporations are under the glare of social media.

"I'm actually surprised he is handling it the way a CEO should be handling it. He went in head first and he took the blame for it," said M.J. McCallum, vice president and creative director of Muse Communications, an advertising and communications agency with an African-American focus. "I definitely applaud that. Most people won't jump on the bomb."

"Starbucks has a great reputation. They stand for a better culture. They have stores in inner cities," McCallum said. "I think he realizes what this one incident can do for his brand."

## PROFILE:

### Attorney is passionate about helping teachers

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"Health care law was a bit new for me, but I've grown to enjoy it. Some of my business clients are doctors and hospitals, so I get an intertwine of health care and business law. As a result, I've dove into some of the complexities surrounding healthcare and have really grown to enjoy it. Health care law is a burgeoning and unique area of law."

Two recent cases each involved brothers in heated disputes over the family business conglomerate.

"It's something we experience frequently, and never a pleasant situation," Ajlouny says. "Having business disputes with family members does nothing but amplify the intensity of litigation and makes finding an amicable resolution that much harder."

"It's messy, but these cases make obtaining an equitable result for the oppressed party that much more rewarding."

Ajlouny previously clerked at Mantese Honigman in his first summer of law school.

"While I enjoyed clerking at various large firms in the greater Detroit area, I was ecstatic to come back to Mantese Honigman after I graduated," he says. "In my opinion, we have some of the hardest working and brilliant attorneys I know, and it's an honor working and growing with them. As a firm, we constantly are striving to improve."

A Troy native who now makes his home in Royal Oak, Ajlouny is passionate about helping local teachers. He annually sponsors three teachers in underprivileged communities to buy classroom supplies and will be guest lectur-

ing on business law at his alma mater, Troy High School, later this year.

The oldest of four, Ajlouny enjoys living and working in the Detroit area, where his girlfriend Elyse practices law at the Mike Cox Law Firm.

"Being next to my family is number one," he says. "But beyond that, what's not to love about Detroit? It's got an up-and-coming food scene, beautiful lakes, and a diverse metro area."

In his leisure time, he loves to cook, spend time on Michigan's lakes, and travel, including a recent backpacking trip in Thailand.

"It was a dream vacation for me," he says. "I think minimalism is the best way to travel, and cheapest—stay, eat, and do what the locals do to really experience their culture."

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### Lakeview Capital welcomes Daniel L. Lemisch, Esq.



Dan Lemisch has joined Lakeview Capital as General Counsel. Previously, he served at the U.S. Attorney's Office for the Eastern District of Michigan as the Acting U.S. Attorney, First Assistant U.S. Attorney, and the Chief of the Criminal Division. He has prosecuted cases involving public corruption, white collar crime, health care fraud, narcotics conspiracies, money laundering and homicide, and has lectured for the Department of Justice and U.S. Department of State on criminal justice reform.

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Gala



Looking back, moving forward

April 27, 2018 • Colony Club • Detroit

Keynote speaker: Irin Carmon, author of *Notorious RBC*

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More information and tickets available at [womenlawyers.org](http://womenlawyers.org)