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STUDENT SPOTLIGHT

By SHEILA PURSGLOVE
Legal News

Isra Khuja All Business



Isra Khuja

Isra Khuja was fascinated from an early age by her attorney brother's stories of experiences with cases and clients.

"There can be so much injustice in the world and a lawyer can help right those injustices through passing the mic to those whose voices have been systematically silenced or historically ignored,"

she says.

Aiming to follow in her brother's legal footsteps, Khuja earned her undergrad degree in political science and English from Wayne State University — and remained a Wayne Warrior for law school.

"I thought political science would give me a preview of what to expect in law school and English would help me improve my writing skills," she says. "I've since learned nothing can truly prepare you for law school, but I still think those majors were beneficial."

Interning during undergrad for Judge Charlene Elder in the Third Judicial Circuit Court allowed Khuja to observe the ins and outs of the courtroom, an invaluable experience before attending law school.

"This opportunity allowed me to understand the routine of the courtroom and see some skillful attorneys at practice," she says. "I was fortunate enough to be mentored by Judge Elder from very early on in my forage into the legal field and what I learned in her chambers was incredibly enriching."

Khuja has thoroughly enjoyed her three years of law school that will culminate in her upcoming graduation.

"Not only has Wayne Law allowed me to foster relationships with my classmates who will go on to become my colleagues in law, Wayne Law also has some of the most knowledgeable and insightful professors who truly value the growth of their students and root for their success," she says. "There's definitely a sense of community and diversity within the halls of Wayne Law which I'll always cherish."

And attending Wayne State for undergrad and law school has made Detroit her "home away from home."

"The city is filled with opportunities and there's always the chance to meet new people and explore different parts of Detroit," she says.

Clerking at Vahdat Weisman in Dearborn after her 1L year was Khuja's first experience at a law firm.

"It was here I was finally able to see what a complaint and all the documents we discussed in Civil Procedure actually looked like," she says. "The skills I acquired have assisted me in each endeavor since clerking there."

Since joining Moot Court her 2L year, Khuja has dedicated as much time and effort as possible to improving her oral advocacy skills in order to become a good litigator for future clients. She

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Chief justice and AG among officials celebrating start of expungement expansion in Michigan

Event showcased new free, low-cost legal resources for expungements

Michigan Lt. Gov. Garlin Gilchrist II, Attorney General Dana Nessel, Supreme Court Chief Justice Bridget McCormack and Michigan House Judiciary Committee Chairman state Rep. Graham Filler (R-DeWitt) joined criminal justice reform advocates including the national Clean Slate Initiative Managing Director Sheena Meade who acted as emcee, City of Detroit Project Clean Slate Lead Attorney Stephani Labelle, Michigan Advocacy Program Manager of Legal Services Delivery Shannon Lucas and Safe & Just Michigan Executive Director John S. Cooper at an online event Monday to mark the start of expanded access to expungements in Michigan.

Expungements, also known as set-asides, shield old criminal records from view after a person has lived several years crime-free, and they have been shown in studies to pave the way to higher employment rates, greater earning potential and lower recidivism rates. The event was sponsored by Safe & Just Michigan, a Lansing-based nonprofit that works to advance policies that end Michigan's over-use of incarceration and promote community safety and healing.

"We are so excited that the first set of Clean Slate bills are effective," Safe & Just Michigan's Cooper said. "These reforms are the culmination of years of hard work by many people, and they offer hundreds of thousands of people in Michigan new access to opportunity at a time of great need. We are also very happy to be joined today by political leaders who helped pass this legislation and are now turning

to its implementation, and by leaders from our legal services sector who are committed to helping people realize access to the opportunities made possible by these reforms."

The Clean Slate legislative package, signed into law on Oct. 12, 2020, is comprised of seven laws, six of which took effect on Sunday, April 11. The laws now in effect concern the process of getting an expungement by petitioning a judge. Changes include allowing traffic offenses to be expunged for the first time ever in Michigan, increased opportunities for the expungement of marijuana offenses, allowing people to receive a greater number of expungements and reducing the time people must wait before petitioning for an expungement, among others. The final new law, automating the petition process in many cases, won't come into effect until late 2022 at the earliest.

Lt. Gov. Gilchrist supported the Clean Slate legislation in its journey through the legislature, testifying on its behalf before the Senate Judiciary and Public Safety Committee in 2020.

"Clean Slate — and especially the automated part — is an example of the government working for the people," Lt. Gov. Gilchrist said. He noted that automatic expungement is expected to help half a million Michiganders once it goes into effect next year by lowering barriers between people and basic needs. "That's 500,000 more people who will have access to jobs, who will have access to housing."

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New AG webpage devoted to informing the public on new expungement laws

Michigan Attorney General Dana Nessel on Monday announced a new Department of Attorney General webpage devoted to informing Michigan residents on the state's new expungement laws, when they go into effect, the eligibility requirements, forms, and downloadable checklists.

"The new law brings about overdue change for so many residents who would otherwise have to carry around the burden of a public criminal record well past the point of having paid their debt to society," said Nessel. "Our new expungement webpage is a resource for residents to assess eligibility and better understand the process for applying to have their records expunged."

While there are a number of steps involved in requesting an expungement, residents should not be deterred. For this reason, the Department of Attorney General expungement webpage provides resources to explain the details of the law, clarify eligibility, and provide checklists for necessary application steps and materials.

As of April 11, a person convicted of one or more misdemeanor or local ordinance marijuana crimes may petition the convicting court to set aside the convictions if they were based on activity that would not have been a crime after December 6, 2018 — when a 2018 voter-

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Local Voice

JAMES ALEXANDER
AND WENDY POTTS

The benefits of early mediation

Michigan is experiencing some of the highest spikes in new coronavirus cases. This has negatively impacted the ability of courts to reopen. The civil case backlog will continue to grow. Since trials of incarcerated criminal defendants will receive priority once the Courts reopen for Jury Trials, it becomes imperative that counsel and clients work towards alternatives to litigation.



Litigation during a pandemic is fraught with new uncertainties. While a Scheduling Order may contain a trial date (now likely to be in 2022 or 2023), no court can give a date certain. Discovery could be negatively affected due to a witness, counsel, or, even, a court reporter, be infected, or just exposed, to the virus. Travel has been severely impacted. There can be numerous issues just in dealing with the Internet and dropped calls.

One way to alleviate the concerns about pandemic affected litigation is to engage in early mediation. While this concept sounds unremarkable, it requires a rethinking of the mindset of clients, litigation and drafting counsel.

As litigators know all too well, litigation in the 21st century has become a discovery battle. While Michigan recently began to adopt and follow much of the Federal Court Discovery concepts, discovery disputes continue to increase costs and delays. Earlier consideration of the benefits of ADR processes benefit counsel and clients.

These benefits of early (or even pre-litigation) mediation are readily apparent. Costs and delay are diminished. In an ongoing business relationship, the parties, who can develop their own mutually acceptable resolution, can continue their relationship. This also allows the matter to be resolved before positions harden and resolution becomes that much harder.

Early prelitigation mediation is a concept that drafters might consider including in business agreements, including LLC agreements. The clauses could contain some of the following:

1. The types of disputes that would go to mediation.
2. Timing of the mediation (within X days of submission) and timing to complete (within X days of appointment of the mediator).
3. Name of the mediation tribunal (JAMS).
4. Specific qualifications of the mediator (a retired jurist; an accountant; someone skilled in the business).
5. Location of the hearing.
6. Limits on Discovery.
7. A provision that those in attendance must be final decision makers (those people

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THE CONVERSATION

By STEVEN K. GREEN
Willamette University

How the Supreme Court Found its Faith and Put 'Religious Liberty' on a Winning Streak



(THE CONVERSATION) — The Supreme Court's current term is winding down, but there are still several cases to be decided — and, as with most terms, a controversy over church-state matters looms. *Fulton vs. City of Philadelphia* is among the cases still to be decided. It

centers on a requirement that private agencies that receive city funding — in this case an adoption agency — do not discriminate against any community they serve, including members of the LGBTQ community. This nondiscrimination requirement applies to both religious and nonreligious organizations. But the adoption service at the heart of the case — Catholic Social Services — refused to comply, asserting that not being allowed to discriminate against gay couples infringed upon its religious beliefs.

It would appear on first glance that the city's position is strong — after all, it provides the money and has a legitimate interest in ensuring that funding does not perpetuate discrimination based on sexual orientation.

Yet, Catholic Social Services and its counsel, Becket Fund for Religious Liberty, believe that they have the wind at their back regarding their claim. From my perspective as a professor of law who has closely monitored such religious liberty cases, they could be right. Religious claimants have been on a winning streak before the Supreme Court in recent years. They notched up their latest victory on April 9 when justices ruled that California could not impose COVID-19 restrictions on religious gatherings at private homes.

A noticeable shift

The Supreme Court has become increasingly conservative over the past two decades, with five of the last seven justices appointed by Republicans. As a result, it has become increasingly sympathetic to claims by religious conservatives that mandatory nondiscrimination laws violate their ability to practice their beliefs, as protected by the Constitution and federal law.

Two recent studies have confirmed this trend. One found that since the George W. Bush-appointed John Roberts assumed the role of chief justice in 2005, the Supreme Court has

ruled in favor of religious claimants 81% of the time. This compares with a rate of about 50% for the 20th century.

Some of the recent cases are familiar; others, less so. In 2014, the justices relieved the craft store chain Hobby Lobby from having to provide employees with health insurance that covers contraception, as mandated by the Affordable Care Act. Hobby Lobby had objected to the requirement on religious grounds.

And in 2020, the Supreme Court ruled that teachers employed by religious schools were not entitled to protection against age and disability discrimination as a result of the "ministerial exception" — which allows religious entities to ignore anti-bias legislation if they can assert that staff perform even minimal religious duties.

Meanwhile, in 2018, a majority of justices suggested that a small business — here, a baker — could refuse to serve gay customers because of the owner's religious objections to same-sex marriage. The court has also held that states have to give the same grants and tax breaks to churches and religious schools that they do to nonreligious entities.

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DAILY BRIEFS

U.S. attorney's office in Detroit nominates NY lawyer to monitor United Auto Workers union

DETROIT (AP) — The U.S. attorney's office in Detroit is recommending that a federal judge name New York lawyer Neil Barofsky to monitor the United Auto Workers union's behavior after a corruption scandal.

Appointing an independent monitor is part of a settlement the union agreed to with federal prosecutors in December. He'll stay in place for six years unless both sides agree to a shorter term.

Barofsky leads the law firm Jenner & Block's monitoring practice. He monitored two units of Credit Suisse following multibillion-dollar settlements. He also was an assistant U.S. Attorney in Manhattan and served as Special Inspector General for the Troubled Asset Relief Program, which bailed out banks and two auto companies after the 2009 financial crisis.

After a monitor is appointed, the union has six months to hold a secret-ballot election to decide whether members will vote directly to pick the union's future leaders. Barofsky would monitor the election, as well as compliance with the settlement. Currently union leaders are picked by delegates to a national convention.

The monitor will administer the election, will have the power to approve hiring or discharges of union employees, and can end or approve contracts, the settlement agreement says.

Acting U.S. Attorney Saima S. Mohsin made the motion to hire

Barofsky on Monday, according to court records. The union submitted the names of three candidates, and the appointment still must be approved by Judge David Lawson.

The agreement came in the wake of a wide-ranging federal probe into corruption that reached into the upper ranks of the 400,000-member UAW. It held off a possible federal takeover of the union due to the bribery and embezzlement investigation that has lasted more than five years.

The probe has led to 11 convictions of union members, including two former presidents. The U.S. Attorney's office said it uncovered embezzlement of over \$1.5 million in dues money, kickbacks to union officials from vendors, and \$3.5 million in illegal payments from executives at Fiat Chrysler who wanted to corruptly influence contract talks.

UAW President Rory Gamble, who was not charged in the probe, has said the union is now clean and will have safeguards in place to prevent the scandal from happening again.

'Past Presidents Presentation' planned by ADTC for May 11

The Association of Defense Trial Counsel will host an online "Past Presidents Presentation" on Tuesday, May 11, beginning at p.m.

The videoconference will welcome in the new ADTC board including President Amhed Hassouna. For additional information on the "Past Presidents Presentation," email ADTC Executive Director Jessica Dzieszkowski at adtc.detroit@gmail.com.

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