

# Bar Briefs

October 2021

**George Birch: Lawyer and Softball Hall of Famer**  
*By Hon. Mark Switalski, 16th Circuit Court*





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## Macomb Bar Association

Macomb County Circuit Court Building  
40 North Main St., Suite 435  
Mount Clemens, MI 48043-1037  
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# Report from 16th Judicial Circuit Court's Stakeholder Meeting Regarding Effectiveness of Michigan Supreme Court Emergency Measures during the COVID Pandemic MCR 8.110(3)(i)

*By Francesco Briguglio,  
President of Macomb Bar Association*

The 16th Judicial Circuit Court recently held a meeting of interested parties to discuss the handling of the COVID 19 pandemic. Executive Director Rick Troy and I spoke on behalf of the membership. Other participants included the Macomb County Prosecutor, Circuit Court Judges, Friend of the Court, Legal Aid, Macomb County Department of Health and Human Services, and other organizations. The meeting was held pursuant to MCR 8.110(3)(i).

*The rule states that the Chief Judge of a circuit court shall*

*(i) perform any act or duty or enter any order necessarily incidental to carrying out the purposes of this rule. As part of this obligation, the court shall continue to take reasonable measures to avoid exposing participants in court proceedings, court employees, and the general public to COVID-19. Such measures include continuing to providing a method or methods for filers to submit pleadings and other filings other than by personal appearance at the court. In addition, courts may waive strict adherence to any adjournment rules or policies and administrative and procedural time requirements as*

*necessary.*

*To evaluate the effectiveness of the practices adopted by the Supreme Court as emergency measures during the recent pandemic, and consistent with the advisement under (C)(1) to solicit input from other*



*judges in the jurisdiction, each court's leadership team (including the chief judge(s) and court administrator(s)) shall convene a meeting to discuss the court's ability to manage operations during the pandemic and also identify potential permanent changes that might improve court processes. The State Court Administrative Office will provide guidance regarding the meetings to be held. The meeting shall include (but not be limited to) representatives from the*

*following stakeholders:*

- (i) court funding unit(ii) local bar association(iii) local legal aid organization(iv) regional administrator(v) state and local government agencies active in the court (e.g., Michigan Department of Health and Human Services, law enforcement, friend of the court, etc.)(vi) nongovernment agencies with*

interests in court proceedings, such as crime victim advocacy organizations, nonprofit safety net entities, including the local Housing Assessment Resource Agency, and others as reflective of the local community.

Overall, commentary about how the 16th Circuit Court has performed during these stressful and ever-changing times was generally positive. All representatives agreed that Macomb Circuit Court was relatively swift in transitioning its operations from in-person to digital. The consensus from all stakeholders is ZOOM and electronic access to court is a permanent change to how we will practice law even after the COVID 19 pandemic subsides.

Practitioners generally agreed that most relatively straightforward proceedings such as status and scheduling conferences should continue via zoom on a permanent basis. The commentary from other organizations is that electronic access is not only more convenient for legal practitioners, but it also allows for more efficient access to legal proceedings. Those who participate in court electronically are more likely to participate and have fewer issues such as transportation or lack of childcare.

The Macomb Bar shared the expressed desire of

many members for a uniform system among each court system. Membership has made it clear that there is still confusion regarding how each individual court handles their dockets, and many have suggested that this might be remedied with amendments to the local court rules. I will also continue to advocate for some degree of flexibility, since it is a reality that many of us have to juggle multiple ZOOM court hearings on more than one electronic device to service the needs of our clientele.

Prosecutor Lucido agreed that many hearings could continue via ZOOM except when it conflicted with the interest of justice or if it conflicted with the interest of crime victims or at criminal sentencings.

I encourage the membership to continue to contact me to discuss their thoughts about our new legal electronic courtrooms so we can more effectively communicate and advocate and behalf of the Bar. If you wish to directly reach me, you can call or text me as always 586-549-6970.

Frank

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# Balance

*By Rick R. Troy, Executive Director,  
Macomb Bar Association*

Over the past few months, I have heard from many of you just how crazy busy your practice is. Helping your clients through the most stressful moments of their life is a grind that is just as real for you as it is for them. How do you balance it all?

For many, the trips “up north” and other places have concluded for the summer. Perhaps now is a great time to take a look in your rear-view mirror of time and reflect on the family and friends that you connected with over the summer.

It is likely that balance can be found with your connection to people who fire up your senses and bring you perspective. Balance allows us to remain respectful in our relationships, both personal and professional.

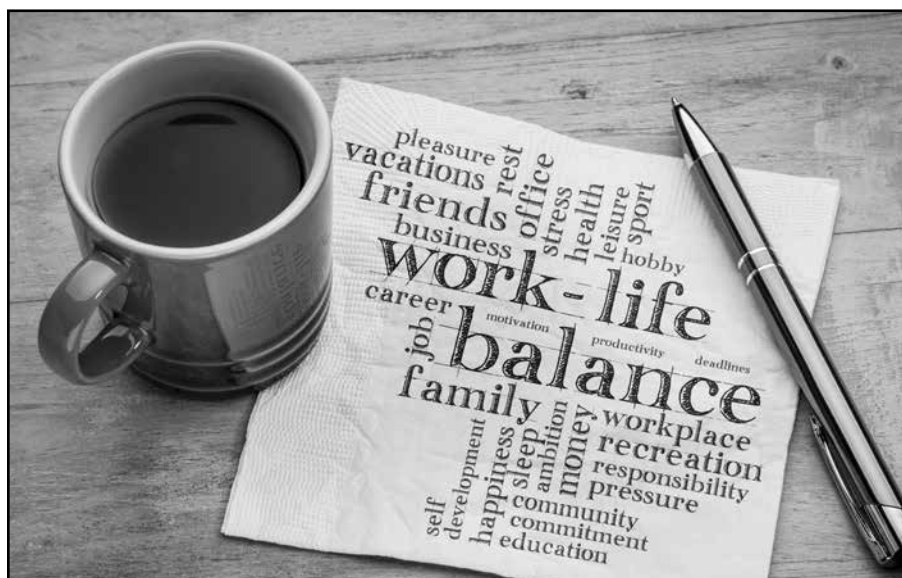
Balance allows us to set aside our own agendas and listen to the person talking to us, to hear their message. Balance allows our hearts and minds to be open to ideas and inspiration. With a sense of balance one can identify that idea, inspiration and motivation oftentimes come from unexpected sources.

Achieving balance is never easy, but is always necessary if your life’s work is dedicated to helping others. Once balance is achieved it becomes necessary to maintain it. Let’s face it, maintaining balance is a tricky proposition, when you must court professional acceptance, professional approval, professional support (three varying progressive shared of professional life), while pursuing personal agendas, private matters and

affairs of the heart and soul and spirit.

To maintain balance for the benefit of your self, as well as your friends, family and clients, may require a get away to that place high on a hill every now and again to nourish the mind, body and spirit. Time spent on a brisk walk, engaging in a delightful talk, a strenuous workout, meditation, or filling your ears with music that connects you can pay uncountable dividends.

I also suggest that balance, inspiration,



motivation and connectivity can be found through active participation in your professional association. The programs and events of the Macomb Bar and the Macomb County Bar Foundation are terrific opportunities to meet to be inspired and to inspire others. Join a law committee or raise your hand for an

appointment to lead a law committee and help colleagues learn and explore your preferred area of law. Maybe you have had an idea for an event? Join the Membership Committee and get as involved as you want in identifying special guests and planning member events. Get involved in the Foundation’s Legally Speaking television show, the Bar’s social media and Bar Briefs magazine as a producer, writer, or editor. Maybe even launch a Bar podcast series? Consider running for an elected office and help govern the Bar. The opportunities to achieve profession and personal fulfillment and balance are limitless.

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# George Birch: Lawyer and Softball Hall of Famer

*By Hon. Mark Switalski, Macomb County Circuit Court*

My friend George Birch is being inducted into the USA Softball of Metro Detroit Hall of Fame in October. The honor is well deserved. When Chuck Trickey and I started the Mount Clemens Lawyers Softball League in 2010, we were trying to fill the void left when the Metro Detroit Lawyers League folded. We needed credibility. Knowing the propensity of lawyers to argue, we wanted quality umpires. We thought of George right away and

he graciously volunteered to help. He's more than a good lawyer. He's seen everything. He was a better player than anyone who would play in the league, and he's spent years supervising umpires. He has total mastery of the rules and he is unbelievably calm under stress. I've seen him handle

complicated situations on the field to the immediate satisfaction of all parties.

When Rick Troy asked me to write about George, I immediately accepted. I called George and we caught up on old times, good and bad. George has had a wide range of experiences in life and is a great storyteller.

**Judge Switalski:** George, how does one get to be a MDASA Hall of Famer?

**George Birch:** There are two ways. First, you can get in as a great player. But you have to make the National Team to be eligible and I never quite did. Or you can be the guy that started the Hall of Fame. That's me. In 1982.



**Judge Switalski:** You were a fantastic player in the Lawyer's League at Softball City. You and Greg Buss were head and shoulders the best. And you played professionally for Mike Illitch's Caesars team. How did that happen?

**George Birch:** I was in the men's room at

Kavan's and Gary Vitto asked me what I was doin'. I said what does it look like I'm doin'? He said I mean are you gonna play professionally? We could use you.

**Judge Switalski:** The Detroit Caesars dominated the newly formed American Professional Slo-Pitch Softball League from its inception in 1977.



**George Birch:** Mike Illitch bought one of the original franchises and started recruiting nationally. He paid Ronnie Ford and Mike Nye like \$30,000 to \$35,000. (The Major League Baseball minimum salary in 1977 was \$19,000.) He signed and paid a bunch of players. Some got jobs at Little Caesars. He even signed Norm Cash and Jim Northrup.

**Judge Switalski:** What were Cash and Northrup like?

**George Birch:** They were great guys. Cash was the funniest guy you would ever meet. Illitch wanted the publicity, so there was a press conference and then a workout. Cash was on a roll and was like “I’ll be the greatest softball hitter anyone’s ever seen” and has everyone laughing. He’s feeling no pain. Illitch had bought these orange tracksuits for us and Cash had one on but forgot his spikes and is trying to hit wearing a pair of those tassled loafers. He’s slippin’ and slidin’ and can’t get it out of the infield. He ripped his pants in the process. He and Northrup were fun to be around.

**Judge Switalski:** Did you sign a contract?

**George Birch:** I was the last guy to sign. I got \$3,500 and signed by the hot dog stand at Memorial Field in East Detroit.

**Judge Switalski:** What was it like playing for Mike Illitch?

**George Birch:** He was very generous. Everything was first class. And he was the most competitive person I’ve ever met. I played shortstop but one time I had to pitch. There was a man on first and this dude hit a bullet up the middle. I caught it and without thinking immediately fired to first to double the guy off. Except our first baseman hadn’t got to the bag yet and my throw went to the fence. At the end of the inning Mike Illitch came right out on the field and chewed me out. “But, he’s supposed...” He cut me off. “He’s not here to play defense!”

**Judge Switalski:** You captained the baseball and basketball teams at Osborn High School. How did you get into softball?

**George Birch:** I played quarterback for Wayne State from 1971-73. They wouldn’t let me play baseball, so I played a lot of softball. I played in the Major Metro

League and for a variety of teams. That’s how I knew Gary Vitto.

**Judge Switalski:** I understand you held a record at Wayne State for twenty years.

**George Birch:** Yes. I threw five interceptions in one game.

**Judge Switalski:** That’s a lot of interceptions.

**George Birch:** I threw all spirals. The NFL was on strike and the other team had this 5-8 linebacker who would hide out of my line of sight. Now, I always had a policy. If you intercepted me I looked to lay a hit on you. I didn’t see him on the first two, but on the third one I got him good. I put a knee on him, too, when I got up.

**Judge Switalski:** You graduated from Osborn in 1970. What was it like playing for the Knights in the PSL?

**George Birch:** Well, the PSL schools still had huge enrollments and were loaded with talent. The Pershing Doughboys football team had three 6 foot 7 wide receivers. The coach wanted me to transfer. It would’ve been a dream but the league didn’t allow transfers for non-academic reasons.

It was intense. One time we were playing Martin Luther King on Belle Isle. They had a lefthanded pitcher named McLain who had a phenomenal curveball. He struck me out but the catcher missed the ball and I’m safe at first. I steal second, third, and home because the catcher can’t handle McLain’s curve. We win 1-0 and run to the bus. The crowd storms our bus and starts throwing rocks and breaking out the windows. We’re lying on the floor scared and the bus driver can’t get on the bus. Then McLain comes and climbs up on the front bumper of the bus, arms spread out like Jesus. “These boys didn’t do nothin’ to you. If anybody should be mad it’s me.” And it worked. I tried to track him down years later to thank him.

Another time we were playing at Northern. They had an all gravel field. There was a running track that went through it. You’d have to stop the game if there was a track meet and let the milers, sprinters, hurdlers, etc. go through. There was a house right behind our bench that had an overhang over the fence. We’re getting pelted. We’re up 2-0 with two out but a guy hits one 400 feet for a grand slam. Except he misses first base. We appeal and the ump calls him out. People are going crazy. I go out to

short and our pitcher calls me to the mound. His face is bleeding. I'm thinking he must've picked at something or other. "I think I got shot," he says. He did, by a .22 caliber pellet rifle. "Get your helmets on, boys," says our coach. "We're leaving."

**Judge Switalski:** George, you've done so much for the Metro Detroit sports community - supervisor of all adult and youth sports in Royal Oak, MDASA Board of Directors, Player Rep, Hall of Fame - but I love the Grand Slam Baseball Training Center you designed in Royal Oak.

**George Birch:** I'm proud of that. I travelled all over the country looking at facilities. There's a great one in Cincinnati. Pete Rose used to hit there. He had a drill where he would turn his face away from the machine and a guy behind the plate would tell Pete when the machine had released the ball. Only then would Pete turn, find, and hit the pitch, Unbelievable hand eye coordination.

**Judge Switalski:** The fielding part of Grand Slam is fantastic design.

**George Birch:** I partnered with my friend Phil Roy on that place. What a wonderful guy. He still runs it.

**Judge Switalski:** You trained Jaws star Roy Scheider for his role in the Disney film Tiger Town.

**George Birch:** My job was to make Roy look like a good hitter. Teach him how to swing. He was the nicest, most humble person. No Limo, no entourage. Very personable, wonderful guy. Jaws is still one of my favorite movies.

Gates Brown was involved and he's actually on the credits. I must've done a good job because Gates said Roy didn't look half bad.

**Judge Switalski:** Was Roy a good athlete?

**George Birch:** He was a good dancer from what I hear.

**Judge Switalski:** You could say that. He was nominated for an Oscar in All That Jazz. How's the law business?



*The Madison's Mt. Clemens Lawyers Softball League resumed play this summer, completing its tenth season, with the team managed by Amber Cervantez of Kent E. Gorsuch & Associates, and sponsored by Freddie Fox's Rec Bowl, winning the championship game on September 1st. Presenting the Championship trophy to Ms. Cervantez, as is the custom of the league, the current MCBA President, Francesco Briguglio.*

**George Birch:** Well, you're on Family now so I haven't appeared in front of you lately. We go back a long time. I'm involved with the Macomb Public Defender Office as a contract attorney. They've set up a very good

system. I'm in my 36th year doing indigent defense. Tom Tomko works his butt off. He's doing a great job. Macomb Bar has seminars and training. Very accessible for us. Really helpful stuff. Every month it gets better. Tom and his team work hard. Circuit Court has done it very well. I'd say the system is 50% better than it was 5 years ago.

**Judge Switalski:** What do you think of ZOOM?

**George Birch:** I hope ZOOM doesn't leave. It's way more efficient. I love ZOOM but I'm in court now most of the time.

**Judge Switalski:** Still like being a lawyer?

**George Birch:** I enjoy the hell out of criminal law. I always try and tell it to them straight. They might not want to hear it at first, but they respect honesty. When you get a good result people appreciate it. I still love it.

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## 8 Lawyers Listed in Michigan Super Lawyers



Super Lawyers, a Thomson Reuters business, is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. From left to right: Donald Gasiorek, 15 years selected; Paul Hines, 9 years; Sam Morgan, 15 years; Patrick McCauley, 14 years; Greg Jones, 5 years, Rising Star Designee; David Kotzian, 15 years, Top 100 Designee; David Greco, 9 years; Angela Mannarino, 5 years, Rising Star Designee.

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# Inherited IRAs Are Not Protected in Bankruptcy But What About Inherited 401k's

By Patrick M. Simasko, J.D., and  
Kelsey M. Simasko, Juris Doctorate Candidate

The Supreme Court in *Clark v Rameker*, ruled that Inherited IRA's are not protected in bankruptcy because the funds are not considered "retirement funds" once inherited. Since then, many practitioners have felt that this rule applied to all forms of retirement saving accounts such as a 401k, 403b, or TSP, just to name a few. But this might not be the case according to the Bankruptcy Court for the Western District of North Carolina in the case of *Dockins*, No. 20-10119. There the Court ruled that inherited 401(k)s do indeed receive creditor protection because they are governed by the Employee Retirement Income Security Act (ERISA) and the funds were still in the plan at the time of the bankruptcy filing.

In *Dockins*, the plan participant named his friend as beneficiary of his 401k plan. After the participant died, the company set up a beneficiary 401k account in *Dockins'* name. Soon after, *Dockins* filed for bankruptcy and she sought to exclude the 401k from her bankruptcy estate. The bankruptcy trustee challenged the exclusion citing *Clark v Rameker*. *Dockins* argued that the account was governed by ERISA and as such excluded from the bankruptcy estate under Section 541(c)(2) of the Bankruptcy Code.

The Bankruptcy Court distinguished an IRA from a ERISA plan and ruled that since ERISA governed plans, such as a 401k, are exempt for the plan participant, and that protection extends to the beneficiary of that 401k account as long as the beneficiary does not withdraw the account before the filing for bankruptcy.

## What's an attorney to do to help these families?

One piece of advice would be to recommend that the retirement account remain in the ERISA governed plan. The family won't normally hear this from their financial advisor because they normally recommend that

the family roll the ERISA retirement account into an IRA for a number of reasons, the main reason being that's how the advisor gets paid. Once the account is rolled into the IRA the family can't un-ring that bell. If that is the case, you may want to recommend that your client establish a "Standalone IRA Trust." It allows you to name the trust as beneficiary of the IRA. Upon death, the IRA would then pass into a subtrust created for the benefit of each individual beneficiary and under the spendthrift terms of the IRA Trust, the principal would be protected from creditors and the Bankruptcy Court as long as the funds remain inside of the trust and can only be distributed at the discretion of the Trustee.

As the name implies, the Standalone IRA Trust is used in addition to the revocable family trust that you may already have already established as a part of your estate planning documents. This provides many additional benefits in addition to creditor protections such as:

You can control access to the balance of the IRA, unlimited or restricted if your clients have beneficiaries that are spendthrifts or have alcohol or drug problems;

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You can direct the balance of the beneficiary's trust gets passed down to those contingent beneficiaries that your client chooses.

These IRA trusts must completely distribute IRA Trust assets by the end of the 10th calendar year after the Grantor's year of death so the benefit might be limited. But, you at least have time to repair any issues the beneficiary has with creditors.

You might also want to re-apportion the distribution of the estate to the beneficiaries. You may want to create the estate plan where the non-qualified accounts are held in trust for the lifetime of the beneficiary and the retirement accounts are distributed to the more fiscally responsible beneficiary.

Planning is the key, as always.

Patrick M. Simasko, J.D.

Kelsey M. Simasko, Juris Doctorate  
Candidate



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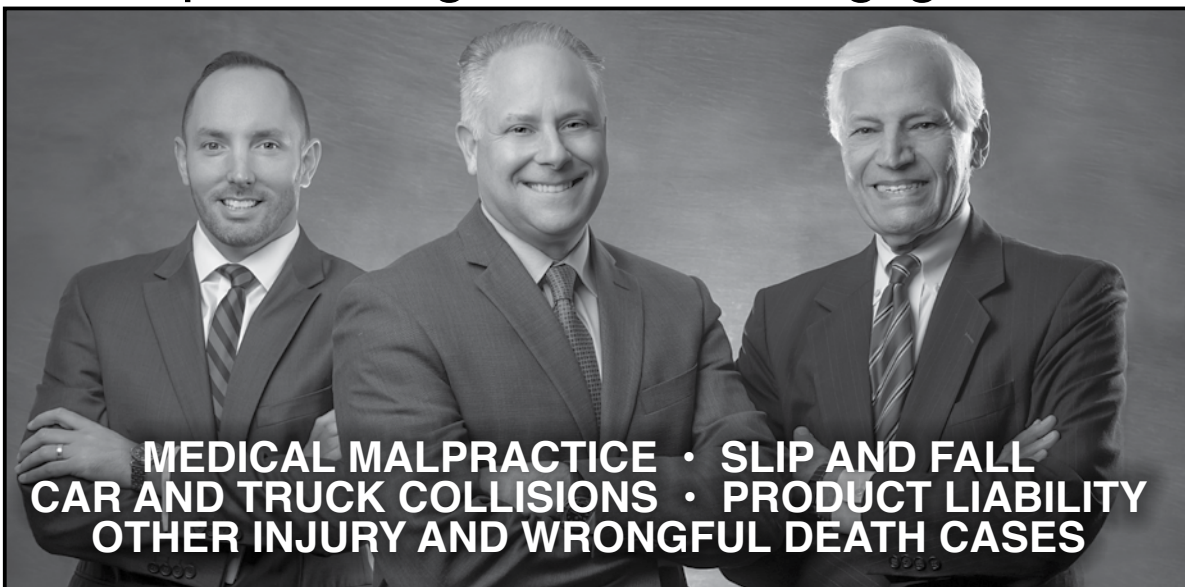
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# Introducing the 2021-2022 Young Lawyer Section Chair, Alecia Golm

*By Grace Crivello, Treasurer of the Young Lawyers Section*

With the new 2021-2022 Macomb County Bar Association Board and Young Lawyer’s Section hitting the ground running, I would like to formally introduce the YLS Chair (President), Alecia Golm.

It is an honor to write this introduction for Alecia, as she has been one of my closest friends since we met each other during our work at Lakeshore Legal Aid. Alecia began her career as an Associate at Andary, Andary, Davis and Andary. She handled and assisted on a wide variety of cases from federal civil litigation to domestic

to criminal matters. Alecia then accepted a position in the Mt. Clemens Office of Lakeshore Legal Aid where she handled a variety of cases for low-income individuals

and domestic violence survivors. Alecia acted as a zealous advocate, ensuring that her clients’ voices were heard and that their rights were protected. She quickly found her niche in domestic cases and devoted much of her time to assisting these clients. Alecia soon became well-known by the domestic bench; she was always prepared, knew her facts and was ready to advocate for these clients who usually were unused to having anyone in their corner.

From there, Alecia transitioned to her current position as a Judicial Services Officer for Parenting Time enforcement. She mainly handles the parenting time enforcement dockets for the Hon. Mark S.

Switalski and the Hon. Rachel Rancilio. Alecia has demonstrated her ability to mediate conflict, determine the best resolution for parenting time disputes and determine when judicial enforcement is necessary. She is able to review a case and to present her well thought-out recommendation to the bench.

## Q&A with Alecia Golm

**As your last year in the Young Lawyers Section what are you looking forward to this year? What is your vision for our 2021-2022 year and how do you want to make an impact with your last term?**



We are just now coming out of the pandemic shutdown and trying to return to a “new normal.”

Life has changed as we know it and it is going to be a learning curve moving forward. However, I am very excited to implement some of the events which we are planning and shift some of our focus back on young lawyers and new bar passers to bring them into our community and association. YLS has long been the “social arm” of the Macomb Bar and I am excited to plan some events which will hopefully ensure that we are the “welcome wagon” for the newly licensed attorneys. I would like the momentum we have with the board this year to continue with the 2022-2023 term and I want to set that Board up for success.

## **What is YLS planning for the upcoming year?**

We are trying to get back to planning more events, while keeping our members safe and healthy. We are planning a Meet the Judge event for Judge Galen (38<sup>th</sup> District Court) and Judge Andary (42-2 District Court). The Judges have graciously agreed to a combined event since we weren't able to hold one due to the pandemic. This will be a great time for us to get together again as an Association and for some of the newer attorneys to meet Judge Galen and Judge Andary. We also are planning our traditional Holiday party as well as still discussing the idea of a Meet the Magistrate event. I agreed with Sherman Abdo when he originally raised the idea when he was Chair and would love to have an event for the Magistrates who usually are the unsung heroes of the district courts. We also have an event planned for Spring 2022 – with sponsorship from the State Bar – to welcome our 2020/2021 bar passers and focus on their achievement and welcome them into the association. Finally, we want to get back to hosting 5:01pm socials. Those were fun, low pressure events that I think people really enjoyed and can definitely use again.

## **What drives you to get involved with these committees and organizations?**

I am a first-generation lawyer, so I didn't have any connections to the legal community before starting law school. I realized that organizations and committees were the best way to make connections and to help gain experience. The Macomb Bar has allowed me to meet a wide variety of the attorneys who practice in Macomb County. I also have a strong desire to improve the world, even if it sounds cheesy. I think it is part of our obligations, not only as people but especially as lawyers, to make the world a little bit better. Having my daughter only made that more real to me. So, I try to get involved as much as possible so that I can meet that obligation, set some great examples, and leave the world a better place for her.

## **How has the transition to JSO from practicing attorney been for you and how do you think that helps you as the current Chair?**

The transition has been interesting. It has been an adjustment for sure from being an advocate for a

single client to working as an enforcement officer for the Friend of the Court. I really enjoyed acting as an advocate, but I do feel that I am able to assist a much larger group of people in my work at FOC. I think that being the Chair of YLS as a JSO is important because it gives us a different connection to the Court and a connection with the rest of the bench, not just the domestic side (which I love with my whole heart!). The majority of the Macomb Bar are practicing attorneys, so diversifying our membership can only help us become a better bar association.

## **What advice do you have for young female attorneys coming into our profession?**

Don't doubt yourself! Obviously be prepared and know your facts and case law, but don't let opposing counsel intimidate you, no matter how experienced. Speak up, be direct and be confident (even when you are shaking on the inside). We are starting to slowly become the majority of law students. The practice of law is changing, and we need to support each other and this profession.

## **What advice do you have for young lawyers, in general, that are practicing in our County?**

We are a small community in Macomb and you will fit right in. It definitely has a "small town" feel, but that is what makes us such a great and supportive community. Ask questions, get involved and don't be afraid to make yourself known. I can honestly say that I have not been refused help whenever I have approached another Macomb attorney and for that, I'm forever grateful.

## **Last question. What advice do you have for young lawyers coming into our profession and starting their journey?**

Learn as much as you can. Every time you go to court, there is an opportunity to learn how to be a better advocate and attorney. Watch other lawyers and see what styles work well and which don't. Pay attention to the bench and be cognizant of each Judge's policies. Don't be afraid to research and to broaden your practice. So many attorneys in Macomb are more than willing to help if you just ask!



# Law School in 2021: A Student Perspective

*By Savanna Polimenti, 2L at the University of Detroit Mercy School of Law*

I am a non-traditional law student. I took five years off between graduating from my undergraduate program and applying to law school. I am also a single mother of three young sons (ages 8, 5, and 2). However, as a 1L, I made it into the top 10% of my class, was voted class President, and co-founded a groundbreaking organization at Detroit Mercy Law called Parents in Law. I am also a member of Moot Court and Law Review and currently going through OCI. Just say it – everyone does – “You sure have a lot on your plate! I don’t know how you do it.” Let me tell you, I was in uncharted waters coming into law school as a first-generation law student but operating in a pandemic (where absolutely nobody knew how to stay both productive and sane) was something else. The key, my friend, is balance.

At Christmas time, I will be halfway through my JD program without ever stepping foot into a law school classroom. As a member of the graduating class of 2023, I have had the luxury of turning off my camera to cry and pet my cat after a botched cold call. Every exam that I have taken thus far has been open book and open note because they have been administered remotely. The introverts in class escaped cold calls with ease by turning their cameras off and typing into the Zoom chat, “Sorry, poor connection,” without penalty. We almost always wore sweatpants to class, and we never had to commute.

If you had an entirely traditional law school experience, I imagine you reading this wide-eyed, feeling wholly cheated. I promise that the online format comes with both good and bad, though, and I am unpacking it all for you.

There were no welcome mixers, handshakes, swag giveaways, or in-person interviews for OCI. There was no such thing as poking our heads into professors’ offices or eating lunch together. We never ventured into the city or sat in the library. We did not have in-person study groups. We never went into the bookstore or cafeteria. We could never turn off law school because we were doing it in the same space where we ate, slept, and theoretically relaxed. We could not go to coffee shops to

study because only pick-up services were available for what felt like an endless number of months. We started out bright-eyed on our law school journey, but we were met with some times of darkness.

I always tell people that if law school could be done in a vacuum, it would be a piece of cake. But, in reality, life throws in a stomach flu that puts you days behind in your reading, a breakup that steals your focus, planning your annual trip to see family, making time to go to the gym, the relentless fatigue, the busted transmission, the closed daycare, the breaking point at which you need to just drive to the lake and sit in the quiet, and the feeble attempts to eat something that isn’t wrapped in cellophane that really makes law school seem impossible.

These challenges were only exacerbated by the pandemic. Any exposure in a school or daycare facility left parents with their children at home for fourteen days. Loved ones were losing their lives at unimaginable rates, and the grief was heavy. There was constant panic in the air. Everyone was under a financial strain, and businesses were closing back-to-back. We were all gaining weight from being cooped up and were feeling restless. Those living with or caring for elderly family members were terrified to go in public and risk exposure. People went a year without hugging their grandmothers. The isolation, in my opinion, was the worst of it.

There were times during my first year of law school that the pressure got to me. I considered dropping out more than once, feeling an eternity behind when life got in my way, and I was so ashamed that I wasn’t living up to my own high expectations. I was astounded, though, that nobody intended to leave me behind, and everyone felt confident in my ability to come out on top. The toxic competitive law school environment of the past is simply no more, at least in my law school. Students were offering me notes and outlines for classes that I missed without thinking twice and texting to ensure I was okay. I scheduled a meeting with the Dean of Students when I struggled, and I was met with solu-



tions and compassion. I utilized my teaching assistants. I found myself a study buddy, and we formed a lifelong friendship. I was able to reschedule a final when I fell ill during the fall exam period. I applied for and received accommodations, which I had never considered inquiring about before. I learned which resources were available to me, and I utilized them.

In terms of that balancing act I mentioned earlier, well, the rules just need to bend sometimes. My protein-starch-vegetable dinner rule sometimes fell to the wayside, and we ordered pizza. Thirty minutes of screen time each day for the kids turned into two hours if I was under the weather or just worn out. I scheduled time for paper writing, reading cases, and studying just like I had time scheduled for my classes. I tried my best to treat each block as non-negotiably unavailable, but inevitably I just had to negotiate with myself right out of that one, too. During the fall, I volunteered with a local veteran's organization but had to respectfully back away from it when my plate became too full in the winter. From the hours of 4 p.m. to 9 p.m., I did not study unless I was really under the wire- that is family time. However, this coming fall, the courses I need were only offered in the evenings, from 4 p.m. to 8 p.m., and now the system I used last year must change until Christmas. I made myself go outside, even when it made me feel guilty - I rode my bike and walked the nature trails with my boys or geocached for an hour or two. When the weather was challenging to that endeavor, I would take the boys to the kid's center at the gym and float in the jacuzzi until I felt fully cooked through. I bought a ticket to go to my brother's wedding out of state, but I had to sit in my car during the reception and put the finishing touches on a legal writing assignment before turning it in with just minutes to spare. Law school is a juggling game, and to avoid neglecting any facet of my life beyond repair, sometimes I just had to let something else go.

Looking forward, this year at Detroit Mercy Law, things are starting to look a little bit different than the 2020 experience. We have four class options, allowing students to be in person as much or as little as they are comfortable with: in-person, online, hybrid, and hyflex. In-person and online options are self-explanatory. Hybrid courses are structured to have both in-person and online meetings each week for every participant. Hyflex courses are simultaneously taught in-person and online during each scheduled period by utilizing traditional classroom lecturing and live streaming to reach predetermined halves of the class. 1Ls and 2Ls opting for the in-person experience are on a level playing field, coming into school for the very first time. We still do not know what

options will be available for the winter semester, as the Delta variant looms over us.

Overall, when people ask me if I would have preferred to be in person for the first year of law school, the answer is no. First, because the flexibility of online learning is simply unmatched. I felt as if my efficiency was totally maxed; I was folding socks while listening to prerecorded lectures, preparing dinner with my laptop on the counter, and staying connected to class through my cellphone when I had to haul a sick kid to the doctor. Second, I found myself acutely aware of the divide between students and became moved to take on leadership roles to unite us- something that I may not have been inspired to do without the challenges of the online environment. Third, my stress and focus were diminished. No driving, no tapping pencils during exams, no gum chewing behind me, no doors opening and closing when people went to the bathroom, no watching how quickly or slowly others turned in their exams. Online learning is built for the intrinsically motivated, the night owls, the multitaskers- all of which are me. I know that those who struggled are raring to get into the building. Still, aside from my visits to the law librarians or occasional social events, I will be happily riding the online law school train until it ends.

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