# PLEADINGS

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May 2018

# **MEMORIAL DAY**

emorial Day was originally known as Decoration Day because it was a time set aside to honor the nation's Civil War dead by decorating their graves.

Several Northern and Southern cities claim to be the birthplace of Memorial Day, including Columbus, Mississippi; Macon, Georgia; Richmond, Virginia; Boalsburg, Pennsylvania; and Carbondale, Illinois.

1966. federal In the government, under the direction of President Lyndon Johnson, declared Waterloo, New York, the official birthplace Memorial Day. They chose Waterloo because the town had made Memorial Day an annual, community-wide event starting 1866. during which businesses closed and residents decorated the graves of soldiers with flowers and flags.

In 1865, Henry C. Welles, a druggist in Waterloo, mentioned at a social gathering that honor

should be shown to the patriotic dead of the Civil War by decorating their graves. In the spring of 1866, he again mentioned subject this General John B. Murray, Seneca County Clerk. General Murray embraced the idea and a committee was formulated to plan a day devoted to honoring the dead.

Townspeople adopted the idea wholeheartedly. Wreaths. crosses and bouquets were made for each veteran's grave. The village was decorated with flags at half mast and draped with evergreen boughs and mourning black streamers. On May 5, 1866, civic societies joined the procession to the three existing cemeteries and were led by veterans marching to martial music. At each cemetery, there were impressive and lengthy services, including speeches by General Murray and a local clergyman. The ceremonies were repeated on May 5, 1867.

Decoration Day was first more widely observed on May 30,1868, by proclamation of General John A. Logan of the Grand Army of the Republic. On May 5, 1868, Logan issued General Order No. 11:

General Orders No. 11 WASHINGTON, D.C May 5, 1868

The 30th day of May, 1868, is designated for the purpose of strewing with flowers otherwise decorating the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village, and hamlet churchvard in the land. In this observance no form ceremony is prescribed, but posts and comrades will in their own way arrange such fitting services and testimonials of respect as circumstances may permit.

We are organized, comrades, as our regulations tell us, for the

purpose among other things, "of preserving and strengthening those kind and fraternal feelings which have bound together the soldiers, sailors, and marines who united to suppress the late rebellion." What can aid more to assure this result than cherishing tenderly the memory of our heroic dead, who made their breasts a barricade between our country and its foes? Their soldier lives were the reveille of freedom to a race in chains, and their deaths the tattoo of rebellious tyranny in arms. We should guard their graves with sacred vigilance. All that the consecrated wealth and taste of the nation can add to their adornment and security is but a fitting tribute to the memory of her slain defenders. Let no wanton foot tread rudely on such hallowed grounds. Let pleasant paths invite the coming and going of reverent visitors and fond mourners. Let no vandalism of avarice or neglect, no ravages of time testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic.

If our eyes grow dull, other hands slack, and other hearts cold in the solemn trust, ours shall keep it well as long as the light and warmth of life remain to us.

Let us, then, at the time appointed gather around their sacred remains and garland the passionless mounds above them with the choicest flowers of spring-time; let us raise above them the dear old flag they saved from this honor; let us in this solemn presence renew our pledges to aid and assist those

whom they have left among us a sacred charge upon a nation's gratitude, the soldier's and sailor's widow and orphan.

It is the purpose of the Commander-in-Chief to inaugurate this observance with the hope that it will be kept up from year to year, while a survivor of the war remains to honor the memory of his departed comrades. He earnestly desires the public press to lend its friendly aid in bringing to the notice of comrades in all parts of the country in time for simultaneous compliance therewith.

Department commanders will use efforts to make this order effective.

By order of JOHN A. LOGAN, Commander-in-Chief N.P. CHIPMAN, Adjutant General Official: WM. T. COLLINS, A.A.G.

During the first celebration of Decoration Day, General James Garfield made a speech at Arlington National Cemetery, after which 5,000 participants helped to decorate the graves of the more than 20,000 Union and Confederate soldiers buried in the cemetery.

By the late 1800s, many communities across the country had begun to celebrate Memorial Day and, after World War I, observances also began to honor those who had died in all of America's wars. In 1971, Congress declared Memorial Day a national holiday to be celebrated the last Monday in May.

Several Southern states continue to set aside a special day for honoring the Confederate dead, which is usually called Confederate Memorial Day:

Today, Memorial Day is celebrated at Arlington National Cemetery with a ceremony in which a small American flag is placed on each grave. Also, it is customary for the President or Vice President to give a speech honoring the contributions of the dead and lay a wreath at the Tomb of the Unknown Soldier. About 5,000 people attend the ceremony annually.

Source: David M. Merchant, "Memorial Day" usmemorialday.org



# NEW SCHWAN'S CAMPAIGN

Our current Schwan's Campaign ID 36295 ends on Tuesday, May 22, 2018. Beginning Wednesday, May 23, we will begin a new Campaign ID 38366.

We will be earning 20-40% of all purchases from May 23rd through July 7th, after which we will earn 5% through October 5th.

Please take note of our new Campaign ID and if you haven't signed up, get on board today! All funds go directly to support the activities of the members NALS of Greater Kalamazoo.

#### NALS OF MICHIGAN DIRECTOR'S REPORT By Nancy Thomas, PLS



On April 27-29, 2018, I attended the NALS of Michigan 57th Annual Meeting and Educational Conference held at Shanty Creek in Bellaire. Also attending from our chapter were: Paula Steffey, Tami Carl, Pam Wilcox, Kim Snow, Michele Guyman, Kathleen Hutchins, Jen Bayer, Jen Robinson, and Andrea Kardatzke. Special guests for the weekend were Tara Hughes, PP-SC, ACP, RP, NALS President; and Kathy Sieckman, PP, PLS-SC, ACP, NALS Editorial Board and Marketing Board (both members of NALS of Phoenix).

First of all, congratulations to our own Paula Steffey, PP, CLP-SC, CWCP, who received the NALS Leadership Appreciation Award presented by Tara Hughes, NALS President. Paula is certainly a worthy recipient!

Friday was an all-education day, including topics on firearms law, defense of law enforcement civil rights cases, ethics, sexual assault kit initiative project, leadership, and marketing/business development. The exhibitors were with us on Friday, and we enjoyed visiting their displays. Friday's luncheon focused on the exhibitors, who were kind enough to furnish several door prizes.

Saturday featured the regular business meeting conducted by Heidi Hopper, NALS of Michigan President. Standing rule amendments for NALS of Michigan and the NALS of Michigan Scholarship Fund were approved. The budget was also approved.

The scholarship award winner selected by those members in attendance was Brittany Biggerstaff of Wyndotte. She received a \$1000 scholarship award.

There were several openings in the slate of officers submitted by the Nominations Committee, so several nominations from the floor were necessary. After much discussion, Teri Garber agreed to once again assume the office of president. The following are the slate of officers elected for 2018-2019:

President
Vice President/Membership & Marketing
Vice President/Education & Certification
Treasurer
Executive Secretary
Parliamentarian

Teri Garber, PP, PLS-SC, NALS of West Michigan Laleise Curtiss, NALS of Detroit Maureen Jones, PP, PLS, ALP, Grand Traverse ALP Heidi Hopper, PP, PLS, NALS of Lansing Sue Acklin, PP, PLS, NALS of West Michigan Lynn Philp, PLS, NALS of West Michigan

NALS of Detroit agreed to host the 2020 annual meeting. More information will be submitted later as to location and dates.

Saturday also featured the certification luncheon, where newly certified members were recognized. At the Saturday banquet, the Clara LaGow Award for having the highest percentage of chapter members pass the certification exams in the past year was given to NALS of West Michigan.

Chapter finance tables were set up Saturday, and our table this year featured a "gift card wreath" and a 50/50 raffle. We made \$94 from the 50/50 raffle and \$190 from the gift cards. Many thanks to Paula Steffey for collecting the gift cards and putting together the wreath! The NALS of Michigan raffle drawing was also held, with the grand prize winner being John Koryto of Kalamazoo, who purchased his ticket from Kathleen Hutchins. Thanks to all of our members who furnished gift cards for our chapter raffle, and who sold and/or purchased tickets to support the state association's annual fundraiser.

Saturday concluded with the banquet, featuring installation of the new officers, awarding of the Legal Professional of the Year (to Joyce Soule, NALS of Lansing), and passing of the gavel. Also at the Saturday banquet, NALS of Detroit won the membership award for adding the highest percentage of members during the past year.

Our chapter's turn comes in 2019 for hosting the Annual Meeting at the Delta Marriott (f/k/a Holiday Inn West) on 11th Street, April 25-28, 2019. We will need everyone to help with planning this meeting! If anyone has questions or concerns about our state association, please feel free to contact me.

## **2019 Annual Meeting Committee**

The 2019 NALS of Michigan Annual Meeting is just around the corner!! We are excited to be hosting next year's annual meeting to be held April 25-28, 2019, at the Delta Marriott (f/k/a Holiday Inn West), 2747 South 11th Street, Kalamazoo MI 49009. There is a lot of planning involved and we need all the help we can get. **Please consider attending our 1st planning meeting to be held July 19, 2018, at 5:30 p.m. at Miller Johnson**. We would love to hear your ideas!! Please contact a chairperson if you are interested in helping.

Annual Meeting Chairs: Michele Guyman and Cathy Zackery, CLP

Annual Meeting Finance Chair: Paula Steffey, PP, CLP-SC, CWCP

Annual Meeting Registration Chairs: Nancy Thomas, PLS and Diane Berry, PLS

Annual Meeting Official Program Chair: Kathleen Hutchins, PLS

Annual Meeting Legal Education Chair: Tami Carl, CLP
Annual Meeting Publicity Chair: Jennifer Antisdale
Annual Meeting Photography Chair: Jennifer Robinson

Annual Meeting Exhibitors Chairs: Andrea Kardatzke and Lynn Philp

Annual Meeting Door Prizes/Gift Packs Rebecca Quimby

Welcome Party Chairs:
Cathy Zackery, CLP and Jennifer Robinson
Sunday Morning Breakfast Chairs:
Cathy Zackery, CLP and Jennifer Robinson
Cathy Zackery, CLP and Jennifer Robinson



Deputy Pard'ners Tara Hughes (NALS President) and Kathy Sieckman (NALS Editorial/Marketing Boards) installed the "most wanted" NALS of Michigan officers at the Annual Meeting. Kim Snow, Tami Carl, and Kathleen Hutchins manned the credentials table.





#### **Certification Corner**

by Paula Steffey, PP, CLP-SC, CWCP

Due to no one participating in the American Law and Administrative Agencies quiz last month, we could not announce a winner. The answer key is attached for your reference.

It is time to start studying if you want to take the ALP, PLS/CLP or PP exam in September. The registration deadline is August 15<sup>th</sup>. Below is information regarding eligibility and a description of what each exam covers. If anyone would like additional information about any of the exams, please contact me. I can provide you with a flash drive containing the study materials and mock exams that I have accumulated to date.

It may seem like a daunting task to study for any of these exams, but I can assure you that it will be worth your while to do so.

#### **ALP Examination Eligibility**

To sit for the exam, you must have completed <u>one</u> of the following: Completion of an accredited business/legal course, Completion of a NALS Legal Training Course, or One year of general office experience.

#### The Exam Covers

**PART 1**: Communications

PART 2: The Law Firm: Legal Procedures and Knowledge

PART 3: Legal Ethics and Authority

#### PLS and/or CLP Examination Eligibility

Any person who has had a minimum of three years of experience in the legal field may take the examination. Membership in NALS is not a requirement. A partial waiver of the three-year legal experience requirement may be granted for post-secondary degrees, successful completion of the ALP exam, or other certifications. The maximum waiver is one year. All waiver requests must be submitted, in writing, to NALS National Certification and Education Manger.

#### **The Exam Covers**

PART 1: Written Communications

PART 2: Office Procedures and Technology

PART 3: Ethics and Judgment Skills

PART 4: Legal Knowledge and Skills

#### **PP Examination Eligibility**

To be eligible to sit for the Profession Paralegal exam, candidates must meet one of the following criteria:

- Have a minimum of five years of experience performing paralegal/legal assistant duties.
- Hold a bachelor's degree in paralegal studies.
- Have graduated from an <u>ABA-approved Paralegal Program</u>.
- Have graduated from another accredited paralegal program which consists of a minimum of 60 semester hours and/or 900 clock hours, of which a minimum of 15 semester hours and/or 225 clock hours were in substantive law.
- Hold a bachelor's degree in an unrelated field and have a minimum of one year of experience performing paralegal/legal assistant duties.

#### **Student Waiver**

Students of an accredited or ABA-approved paralegal studies program who are near graduation may sit for the PP exam provided that NALS receives a copy of their college transcript and a letter, on official university letterhead and signed by the program director, confirming the student's graduation date (must be within a three-month window). If the student does not successfully graduate from his/her program, the results of the PP exam will become null and void and the exam fee forfeited.

#### **Request For Partial Waiver**

A partial waiver of the five-year requirement for paralegals is possible if an individual has a minimum of three years' experience performing paralegal duties. The maximum waiver is two years. You must request the waiver, in writing, to NALS' National Certification and Education Manager.

#### **The Exam Covers**

PART 1: Written Communications

PART 2: Legal Knowledge and Skills

PART 3: Ethics and Judgment Skills

PART 4: Substantive Law

# APRIL CERTIFICATION CORNER - ANSWER KEY

# **American Law and Administrative Agencies**

**Instructions:** Match the term to the definition

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Doctrine of stare decisis 1 11 Enabling legislation

Binding authority 2 12 Treaty

3 Remedy at law 13 Federal Mediation and Conciliation Service

Remedy in equity 14 Office of Infrastructure Protection 4

5 Laches 15 Maritime Administration Specific performance

16 Labor Relations Act

17 Surface Transportation Board

18 National Transportation Safety Board

19 Federal Aviation Administration

10 Concurrent powers

Preemption

Ordinance

Statute

#### **Definition:**

 [Concurrent powers] Shared by the federal government and the states to impose taxes or to
establish courts.
 [Labor Relations Act] Primary law that governs relations between unions, employees and
employers in the private sector.
 [Enabling legislation] A statute that authorizes the creation of an administrative agency and
specifies the name, purpose, composition and powers of the agency being created.
 [Laches] An equitable doctrine that bars a party's right to legal action if the party has neglected for
an unreasonable length of time to act on his or her rights.
 [Specific performance] An equitable remedy usually granted only when money damages would be
an inadequate remedy and the subject matter of the contract is unique.
 [Maritime Administration] Deals with waterborne transportation
 [Remedy in equity] Based on money damages and items of value
 [Office of Infrastructure Protection] Is a major component of the Department of Homeland
Security
 [Statute] A written law enacted by a legislature under its constitutional lawmaking authority.
 [Binding authority] Any source of law that a court must follow when deciding a case.
 [Preemption] A doctrine under which a federal law takes precedence over conflicting state and
local laws.
 [National Transportation Safety Board] The mission is to determine the probable cause of
transportation accidents.
 [Ordinance] A law enacted by a municipal or county government
 [Treaty] An agreement, or compact, formed between two independent nations.
 [Federal Mediation and Conciliation Service] Represents the public interest by promoting the
development of sound and stable labor-management relationships
 [doctrine of stare decisis] The practice of deciding new cases with reference to former decisions,
or precedents
 [Surface Transportation Board] Resolves railroad rate and service disputes and reviews proposed
railroad mergers
[Remedy at law] Based on rules of fairness, justice and honesty



# Help us raise money with delicious food delivered to your door.

You have been invited to support our Schwan's Cares™ fundraiser for Engage Inspire Enhance Promote.

Shop online from over 300 high-quality foods that go from the freezer to table in minutes. With Schwan's foods, a quality meal is always within reach.

When you order by Oct 05 2018, a percentage of your order will be contributed towards our fundraising goal!

# Here are two ways to support us:

## Order Online

- 1. Visit schwans-cares.com/c/38366
- 2. Click "Shop Now".
- 3. Select team member (if applicable).
- 4. Start Shopping!

# Order By Phone

Call 1-855-870-7208 and provide, Campaign ID 38366 and, Fundraiser ID (if applicable).

# Choose from over 300 delicious foods



**MEATS** 



PIZZA



**SEAFOOD** 



SNACKS & APPETIZERS



MEALS



BREAKFAST



FRUITS & VEGETABLES



**ICE CREAM & TREATS** 



SIDES



DESSERTS

#### **CALENDAR**

#### May 19, 2018

ALP Certification Exam

#### May 20, 2018

#### Charity Event – March for Babies

Venue: Celery Flats Interpretive Center, 7335

Garden Lane, Portage, MI 49002 Registration: 9:00 a.m.; Start: 10:00 a.m. Contact: Tami Carl <u>carlT@millerjohnson.com</u>

#### May 22, 2018

#### NALS of Greater Kalamazoo General Membership Meeting

Venue: Main Street, 5462 Gull Rd., Kalamazoo, MI

5:30 p.m. Networking; 6:00 p.m. Dinner

Speaker: Becket Jones

Topic: Criminal Sexual Conduct Contact: Kathleen Hutchins hutchinsk@millerjohnson.com

#### June 1, 2018

#### Deadline for Early Bird Registration for 67th Annual Education and Networking Conference

Venue: Phoenix Marriott Mesa, 200 N. Centennial

Way, Mesa, Arizona 85201 Sign up at <u>www.NALS.org/events</u>

#### June 26, 2018

## NALS of Greater Kalamazoo General Membership Meeting – Scholarship Night

Venue: Michelle's, 4010 Gull Rd., Kalamazoo, MI

5:30 p.m. Networking; 6:00 p.m. Dinner

Speaker: Ian Kennedy

Topic: TBD

Contact: Kathleen Hutchins hutchinsk@millerjohnson.com

#### June 29-30, 2018

#### NALS of Greater Kalamazoo Garage Sale

Venue: Paula Steffey's house, 3240 Pondview Drive,

Kalamazoo, MI 49009

June 29th from 6-9 pm; June 30th from 8 am to 4 pm

Contact: Paula at 269-377-9341 or

westernmom40@gmail.com

#### **July 5, 2018**

#### Leadership Appreciation Day

More info coming later

#### July 9, 2018

## NALS Online Membership Meeting

8:30 p.m

Speaker: NALS Resource Center Staff Member or a

NALS Board of Director

Sign up at www.NALS.org/2018NOMM

## **July 13, 2018**

#### YLS BBQ

5:01 p.m.

Venue: Willis Law, 491 W. South Street, Kalamazoo

#### July 19, 2018

#### 2019 Annual Meeting Planning Meeting

Venue: Miller Johnson, 303 N. Rose St., Kalamazoo

5:30 p.m.

#### July 24, 2018 – Lunch meeting

## NALS of Greater Kalamazoo General Membership Meeting

Venue: TBD 12:00 p.m. Lunch Speaker: Donna Snider

Topic: TBD

Contact: Kathleen Hutchins hutchinsk@millerjohnson.com

#### August 28, 2018 - Lunch meeting

#### NALS of Greater Kalamazoo General Membership Meeting

Venue: Park Club, 219 W. South St., Kalamazoo, MI

12:00 p.m. Lunch Speaker: TBD Topic: TBD

Contact: Kathleen Hutchins hutchinsk@millerjohnson.com

#### September 20-22, 2018

# 67th Annual Education and Networking Conference

Venue: Phoenix Marriott Mesa, 200 N. Centennial

Way, Mesa, Arizona 85201 Sign up at www.NALS.org/events

# **September 29, 2018**

ALP/PLS/CLP/PP Certification Exam

# NALS of Greater Kalamazoo May 2018 Membership Meeting and CLE

**Tuesday, May 22, 2018** 

Main Street Pub on Gull Road (5462 Gull Road, Kalamazoo, MI 49048; Phone 269.344.7247)



#### **SPEAKER**

Becket J. Jones
Hills at Law,
P.C.
- Criminal
Defense

Attorney

TOPIC
Criminal
Sexual Conduct



Mr. Becket J. Jones is an attorney with Hills at Law, P.C. and has been practicing law since 2010. He specializes in criminal defense law and its tangential areas, including driver's license restoration, expungements, PPOs, discontinuation of sex offender registration petitions, criminal forfeiture, and restitution. Mr. Jones earned his law degree from Thomas M. Cooley Law School in 2009 and his undergraduate degree from Michigan State University in 2004 under the Evans Scholarship, a four-year, full tuition scholarship.

#### **AGENDA**

5:30 p.m. – Networking 6:00 p.m. – Dinner 6:30 p.m. – Speaker Presentation (CLE) A short chapter business meeting will follow.

#### DINNER MENU

- 1. Pub Burger Main Street Pub's mouth-watering classic burger (state how done) \$10.00
- 2. **Avocado Cobb Salad** Mixed greens topped with avocado, bacon, egg, bleu cheese crumbles, tomato and grilled chicken. Served with your choice of dressing. Full \$13.75, Half \$8.75
- 3. Pub's Turkey Club Smoked turkey & crisp bacon piled high with lettuce, tomato & mayo on your choice of bread. \$10.75
- 4. **Rustic Flatbread** 12" flatbread loaded with house-made alfredo sauce, spinach, sliced red peppers, sautéed portabella mushrooms, red onion, chopped bacon, grilled chicken, and mozzarella. \$12.50
- 5. **Kabob** Grilled chicken or steak (add 1.00 for steak), glazed with a special sauce & served with grilled onions, tomatoes, green peppers, whole button mushrooms & rice pilaf. Full \$20.00 Half \$16.25

Tax and gratuity included in the price. For a non-alcoholic drink, add \$3.00 to total cost. Alcoholic drinks available at your cost.

#### RESERVATION PROCEDURE

E-mail your reservation to Kathleen Hutchins at <a href="kehutch60@yahoo.com">kehutch60@yahoo.com</a> or call (269) 674-8170 no later than 5:00 p.m. on Friday, May 18, 2018 to reserve your spot. Give your payment to Jen Robinson, NALS Treasurer, at the meeting. Checks are welcome. If you pay in cash, please bring the exact amount. SORRY, BUT ONCE THE RESERVATIONS HAVE BEEN CALLED IN, YOU WILL BE RESPONSIBLE FOR PAYMENT FOR YOUR ORDER IF YOU HAVE TO CANCEL AND DO NOT FIND A REPLACEMENT.

#### 2018 - 2019 Officers

Michele Guyman, President

Phone: 586-557-4054; mightymmo@sbcglobal.net

Jennifer Bayer, Vice President

Phone: 267-6042; jbayer@levine-levine.com

Samantha Wilder, Recording Secretary

Phone: 870-5329; sgwilder22@yahoo.com

Paula Steffey, PP-SC, CLP, CWCP,

Corresponding Secretary;

Phone: 377-9341; westernmom40@gmail.com

Jennifer Robinson, Treasurer

Phone: 459-9500; jen@austin-koffron.com

Nancy Thomas, PLS, Director

Phone: 381-7030; thomasn@millercanfield.com

Cathy A. Zackery, CLP, Immediate Past President

Phone: 382-0444; czackery@levine-levine.com

Diane Y. Berry, PLS, Parliamentarian

Phone: 226-8860; diberry@plunkettcooney.com

\* \* \* \* \*

Nancy Thomas, PLS, Pleadings Editor

Phone: 381-7030; thomasn@millercanfield.com

#### **CALENDAR**

#### Next Board Meeting & Budget Planning:

Tuesday, June 5, 2018
5:30 p.m.

Location: Austin Koffron

#### May General Membership Meeting:

Tuesday, May 22, 2018 5:30 p.m.

Main Street Pub - Gull Road Program: Criminal Sexual Conduct

#### June General Membership Meeting:

Tuesday, June 26, 2018 5:30 p.m. Michelle's - Gull Road Program: Ian Kennedy

#### 2019 Annual Meeting Planning:

July 19, 2018 5:30 p.m. Miller Johnson



NALS of Greater Kalamazoo P.O. Box 50221 Kalamazoo MI 49005