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Law schools celebrate the life of MLK, Jr.



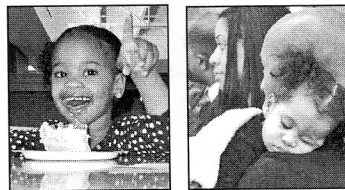
Cooley students Olu Ben-Shidah, Christopher Brown, and Lauren Lara read King's famous letter from a Birmingham jail.

Cooley's BLSA holds MLK Jr. program

Cooley Law School's Black Law Students Association hosted the school's annual Martin Luther King Jr. Day program Monday, focusing on the importance of education in light of King's dream. The event included song, a panel discussion, an original skit, and a tribute to the 50th anniversary of the Civil Rights Movement.

Right: Meilene Henrys, daughter of student Nicole Henrys, enjoys a piece of cake. Far right: Aubrey Evans takes a nap in the arms of her father, Troy, and beside her mother, Autumn.

Photos by Jo Mathis



Judge Shannon A. Holmes of the 36th District Court, attorney Timothy Gardner, who is general counsel for the Pontiac School District, and 14A District Court Judge Cedric J. Simpson participate in a panel discussion about education, empowerment, and the rising cost of college.

Professor compares impact of King, Gandhi, Mandela

By JO MATHIS
Legal News

It was a wonderful coincidence of history that the second inauguration of President Barack Obama occurred on the day the country honors Martin Luther King Jr., a South African law professor told a crowd at Michigan Law School Monday.

"The symbolism and message of today will journey well beyond the borders of this country and give hope to millions of people around the world who seek justice and respect for fundamental human rights," said Karthigasen Govender, a law professor at the University of KwaZulu-Natal in South Africa, who spoke Monday at Michigan Law School's MLK Day.

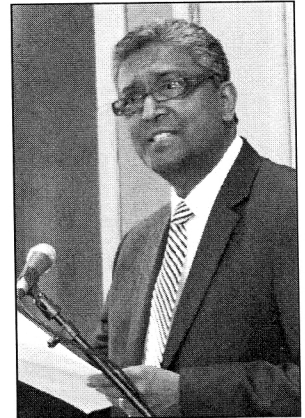
In his talk titled, "The Influence of Dr. King's Legacy on South Africa's Vision to Create a Society that Respects Fundamental Human Rights," Govender said speeches on MLK Day acknowledge that King paid with his life for his adherence to principle. But they should do more than that, he said.

"It is an opportunity to evaluate how far society has progressed towards the realization of his vision," he said, "and what needs to be done to complete the journey and finally, to recommit ourselves to the attainment of a more caring and equal society."

Govender, who teaches Constitutionalism in South Africa at Michigan Law School each winter, considered the similarities and differences between King, Mahatma Gandhi and Nelson Mandela. He noted they were highly mimetic, meaning they were mythically and socially superior to the masses.

Noting that Gandhi's writing heavily influenced King, Govender said that Gandhi's political awakening began in South Africa when he was forced to confront racial prejudice after being thrown off a train because he wasn't white.

Govender compared the relationship between the American civil rights move-



Karthigasen Govender

ment and the struggle against Apartheid in South Africa.

"Injustice anywhere is a threat to justice everywhere," Govender quoted King in a letter the civil rights leader wrote from an Alabama jail in April of 1963. "Freedom is never voluntarily given by the oppressor, it must be demanded by the oppressed."

Apartheid was not simply the separate development of people, but was premised on the superiority of whites and inferiority of blacks, Govender said.

He noted that despite the progress made in South Africa, there is still poverty and inequality, and not enough improvement in education.

Unlike Mandela, neither Gandhi nor King held high public office, which is vastly different from being an activist, and brings different challenges, he said.

Mandela admitted that he should have tackled the HIV/AIDS pandemic earlier

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Same-sex marriage and the law



MARIE MATYJASZEK

Brangelina told the world they wouldn't get married until everyone could get married, including people of the same sex. Based on their engagement and soon-to-be wedding rumors, it sounds they can't wait that long.

In 1996, the federal government passed the Defense of Marriage Act (DOMA), 1 USC §7 which states: "In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man

and one woman as husband and wife, the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife." The Federal government cannot recognize same-sex marriages and states do not have to legitimize same-sex marriages that occurred in another state.

On October 18, 2012, the United States Court of Appeals, Second Circuit, struck down DOMA, holding that it violates the equal protection clause in the Constitution, being only the second federal court to do so. The Supreme Court of the United States will hear two cases on same-sex marriage in 2013, with an anticipated decision in the summer.

While some states have passed laws allowing for same-sex marriage, Michigan isn't one of them. Several states will issue marriage licenses to same-sex couples, or

provide for a legal union similar to marriage for those of the same gender. Various companies and employers will also provide health care benefits to "domestic partners," in an effort to conform to the rapidly changing public opinion to recognize the validity of same-sex relationships.

So what's the harm in letting same-sex couples get hitched? As the saying goes, let them be as miserable as the rest of us. Frankly, from a family law legal perspective, there are more problems with not letting same-sex couples marry.

Let's say a lesbian couple decided to have a child, and one of the partners becomes pregnant after artificial insemination. She is listed on the birth certificate as the mother. And the other mother? Well, she's not on the certificate, or Affidavit of Parentage, or anywhere else. So the couple

continues their relationship for years, and then decides to break up.

In Michigan, what rights does the non-biological mother have to the minor child she's raised as her own? None. She can't go out and file a paternity or custody claim like any boyfriend who's fathered a child with his ex-girlfriend, because she's not a biological parent. She's also not the husband of the bio mom, and their child was not born during any legally recognized marriage. Further, same-sex couples cannot legally adopt a child together in Michigan.

The Michigan Supreme Court has not recognized custody rights for gay, unmarried individuals who are not biologically related to the child at issue, leaving the non-biological partner without any legal

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Visiting professor says South Africa must improve education

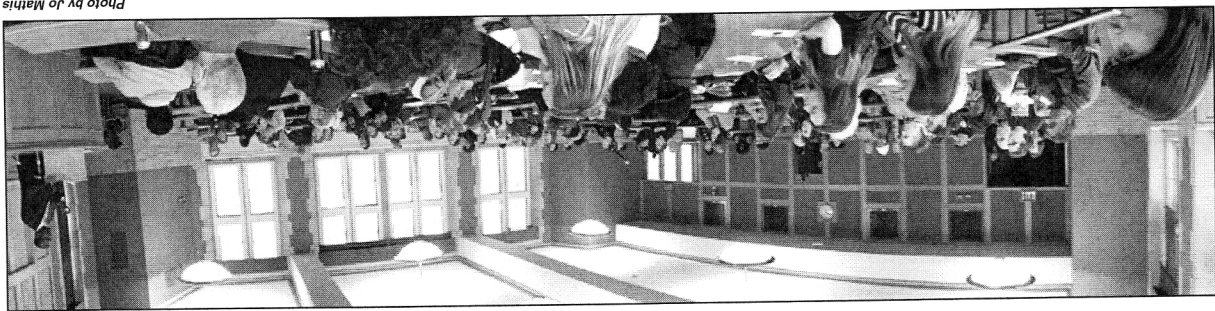


Photo by Jo Mathis

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Govender served two terms as a commissioner on the South Africa Human Rights Commission and has served as an acting judge on South Africa's High Court.

He said Gandhi, King, and Mandela would applaud some of the gains made in South Africa, particularly those regarding civil and political rights, but would regret that there was still so much to do to impact the levels of poverty and inequality.

Following his talk, Govender answered questions from the audience and then greeted guests at a reception.

Dispute Resolution Center hosts presentation Feb. 20

Tracy L. Allen, a nationally recognized conflict management specialist and business, commercial and tax attorney, will present a talk titled, "The Mediator's Influence" from 1 to 5 p.m. on Wednesday, Feb. 20 at 200 N. Main St., Ann Arbor.

The event is sponsored by The Dispute Resolution Center in Ann Arbor, and will help participants learn how to build the mediator's capital, how to use the mediator as a pro-active influence on process and outcome, and how to stretch the boundaries of ethical influences on outcomes.

The cost is \$89. To register, call 734-794-2125 or go to thedisputeresolutioncenter.org.

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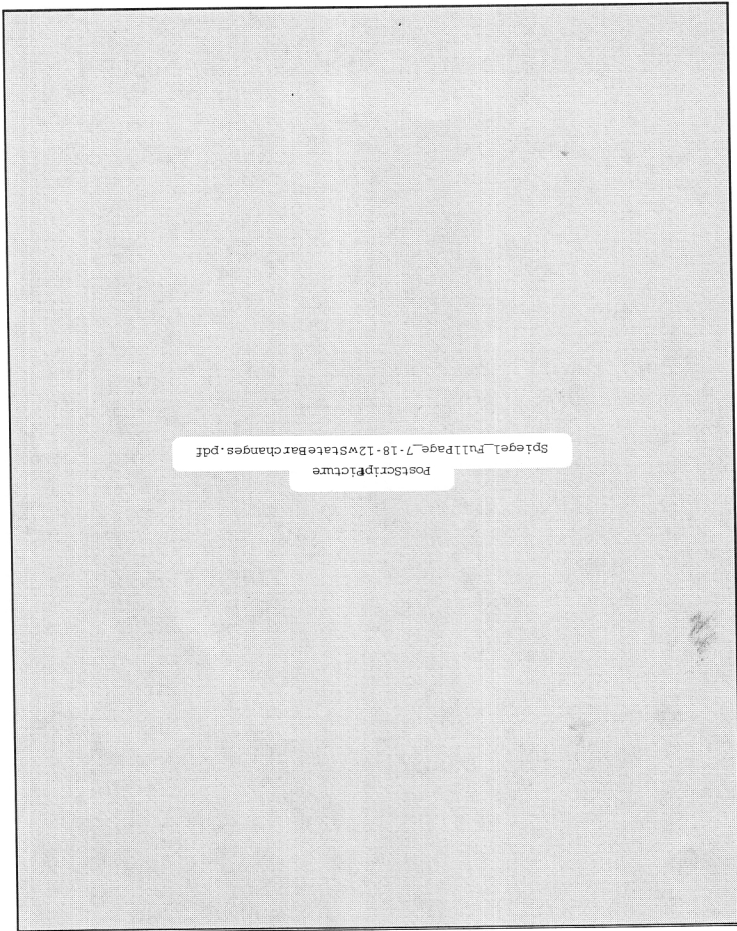
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Local attorney to speak on lessons in professionalism

Ann Arbor attorney Chad Engelhardt of Goethel Engelhardt, PLLC, will be the featured speaker from noon to 1 p.m. Thursday, Feb. 7 at the Cooley Law School's Ann Arbor campus, 3475 Plymouth Road.

The talk is the latest in Cooley's Center for Ethics, Service, and Professionalism's "Integrity in Our Communities" speaker series featuring judges, attorneys and community leaders.

Engelhardt will speak on the topic, "Actions Speak Louder than Words: A Trial Lawyer's Lessons in Professionalism." He is a founding member of the Center for Medical Truth and

Justice, a Cooley graduate, and adjunct professor at Cooley's Ann Arbor campus.

The program is free and lunch will be provided. RSVP to Melissa Stowe-Lloyd at stowellom@cooley.edu.



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Legal Services receives grants

Legal Services of South Central Michigan (LSSCM) has been awarded a one-year, \$20,000 grant from the Jackson Community Foundation's Unrestricted Community Needs Fund and a two-year, \$60,000 grant from Weatherwax Foundation for its homeless prevention program in Jackson County.

"With recent state and federal funding cuts, we are very pleased with these grants to help us protect the basic legal rights of low income individuals and families," said Richard Mills, Jackson attorney and LSSCM Board Member. "Legal aid offices in communities with more local support are able to represent and help more families in need."

Funding from the Weatherwax Foundation will be used to represent tenants facing eviction in district court and to represent homeowners facing mortgage and property tax foreclosures.

The grant from the Jackson Community Foundation will help prevent homelessness by representing tenants or homeowners facing a loss of their home, mediating landlord tenant disputes, representing domestic violence survivors facing a choice between homelessness and abuse, and assisting individuals in attaining and maintaining a

stable household income.

The grant award from the Jackson Community Foundation will allow LSSCM to subcontract with the Southeastern Dispute Resolution Services (SDRS), who will provide mediation for low-income individuals facing eviction, when appropriate.

This is a new collaboration between the two agencies and the District Court in Jackson that will allow each partner to use their expertise and focus resources so that more families are able to receive assistance.

Erica Zimny, supervising attorney of LSSCM's Jackson office, is excited about the increased local resources to serve clients, as well as the new collaboration with the District Court and SDRS.

"If we can prevent a family from becoming homeless, it is less costly for our community and so important to the family," she said.

LSSCM represents individuals with nowhere else to turn for free civil legal assistance.

There is a significant need for the services LSSCM provides, with 32 percent of the population (48,671 people) in Jackson County qualifying for free civil legal aid.

LSSCM has a demonstrated history of preventing homeless-

ness through civil legal representation in housing, income, and domestic violence cases. Each year, more than 95 percent of the families LSSCM represents achieve positive outcomes.

Last year, LSSCM provided free legal advice and/or representation to 1335 low-income families in Jackson County.

LSSCM was originally established in 1965 and is now the primary legal services provider in 13 counties in south and central Michigan.

The Jackson office of LSSCM serves Jackson and Hillsdale Counties, and in addition to this new funding, receives support from the Legal Services Corporation, the Michigan State Bar Foundation, the Department of Justice Office on Violence Against Women, Jackson County United Way, the Area Agency on Aging Region II, and the Hillsdale Community Foundation.

Beyond representation in individual cases, LSSCM is part of a network of agencies providing services to the community's most vulnerable members. LSSCM engages in systemic advocacy to help alleviate the barriers and hurdles faced by low-income individuals.

For more information about LSSCM, go to www.lsscm.org.

Same-sex marriage and the law

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remedies. Some ex-partners may agree to a joint custody arrangement, with parenting time, support, etc. and simply never file any papers with the courts, which happens in both same-sex and heterosexual relationships that go awry. However, like most break ups, things are not amicable all the time, leading to one parent unfairly withholding the child from the other.

If you're the other half of a failed same-sex relationship, you may be denied the opportunity to con-

tinue to raise your child, which can have a catastrophic impact on that child's physical, emotional and mental wellbeing. It appears that the child's best interests, which are to be the primary focus of the court in deciding custody and parenting time, only applies to heterosexual relationships.

The author is an associate attorney at the Law Office of Robert Matyjaszek, PLLC, Jackson, Michigan. Her blog site is: <http://legalbling.blogspot.com>. She can be reached at (517) 787-0351 or by emailing her at matyjasz@hotmail.com.

2013 awards nominations sought

The Washtenaw County Bar Association is seeking nominations for the Liberty Bell Award and Patriot Award to be presented at the WCBA's Annual Meeting in April.

Charles Drukis is the recipient of our 2013 Professionalism & Civility in the Practice of Law Award.

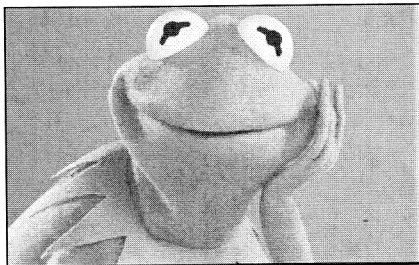
The Liberty Bell Award was established by the American Bar Association to be awarded locally to a non-lawyer for outstanding service in one or more of these areas:

1. Promoting a better understanding of our Constitution and Bill of Rights;
2. Encouraging a greater respect for the law and the courts;
3. Stimulating a deeper sense of individual responsibility, so that citizens recognize their duties as well as their rights;
4. Contributing to the effective functioning of our institutions of government; and
5. Fostering a better understanding and appreciation of the rule of law.

The Patriot Award has the same criteria as the Liberty Bell Award, but is awarded to a lawyer.

Nominee names, along with a short explanation of why you believe he or she should receive the award, should be sent to John Reiser at ReiserJ@ewashtenaw.org or to Karen Quinlan Valvo at KQValvo@FinkValvoLaw.com.

The deadline for submission is Feb. 1. Nominee recommendations will be presented to the WCBA Board of Directors on February 21st.



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