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DAILY BRIEFS

MSU Law expands international dual degree options

Michigan State University College of Law and Doshisha Law School in Kyoto, Japan, have entered into an agreement that will allow qualifying Japanese students to obtain U.S. and Japanese law degrees in a four-year period.

Under the agreement, eligible students who begin their legal study at Doshisha Law School will be able to join MSU Law for two years of study. The students are then eligible to take the American bar exam before returning to Japan for a final year at Doshisha and sit for the Japanese bar exam.

"This new agreement with Doshisha Law School will provide MSU Law students even more opportunities for a diverse, enriching classroom environment," said Melanie B. Jacobs, associate dean for graduate and international programs. "It reflects the growing international reach of our law college."

MSU Law's Professor Frank Ravitch, who leads MSU Law's study abroad program in Kyoto, Japan, has facilitated the dual-degree option and will play a key role in further developing connections with Doshisha Law.

"These students are highly marketable and in great demand," Ravitch said. "They are not just bi-lingual; they'll be bi-legal – able to practice law in Japan and in the United States."

The MSU Law/Doshisha dual-degree program is the second international agreement offered at MSU Law. A similar program with the University of Ottawa allows students to obtain Canadian and American law degrees.

11-year-old boy faces competency exam in 3-year-old's death

DETROIT (AP) — A Detroit judge ordered a mental competency exam Monday for an 11-year-old boy charged in the fatal shooting of a 3-year-old boy and urged the public to lock up their guns, saying they're a "magnet" for curious children.

"This has happened before," Judge Frank Szymanski said. "I pray it won't happen again."

The boy is charged in Juvenile Court with manslaughter without malice, as well as using a firearm during a felony.

Police said the older boy took a handgun from a closet at his father's home last week and tossed it out of a window. Police said he subsequently retrieved the gun and fired it, striking Elijah Walker in the face.

The Associated Press doesn't typically name minors charged with crimes. The boy in the case was mostly silent during the brief procedural hearing.

With TV cameras in the courtroom, Szymanski said it was appropriate to remind the public to keep guns out of the reach of children.

"Kids find things. It's their nature," he said. "A gun can be a magnet to kids. If you have ever left a gun unsecured anywhere in your lifetime ... you can say a prayer of thanks that you're not involved in the nightmare that is this case."

Outside court, the older boy's mother cried as she told reporters the family was sorry for what happened.

"It was an accident," she said.

The boy, who is free on bond, will return to court on Sept. 9.

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Life Remodeled



On August 3, thirteen Bodman PLC attorneys and summer associates teamed up with Detroit-based nonprofit Life Remodeled to lend a helping hand in a Detroit neighborhood. The Bodman crew was assigned to the neighborhood surrounding Osborn High School with a focus on beautification, performing clean-up work around three abandoned houses and one vacant lot. The team worked for several hours to tame wild foliage and haul away hundreds of pounds of trash. Their work made an immediate difference in the appearance and safety of the neighborhood.



Lawmaker won't resign after effort to smear self

LANSING, Mich. (AP) — A Michigan lawmaker said he won't resign after sending an email to Republican supporters falsely claiming he was caught having sex with a male prostitute and said in a statement released Monday he was the target of a blackmail attempt.

The Detroit News, citing audio recordings, reported Friday that Rep. Todd Courser of Lapeer had someone send the email to distract attention from his alleged extramarital affair with another lawmaker.

"My actions in and around these events in the email that was sent to misdirect attention were my doing both in planning and execution," Courser said in a nearly 30-minute audio file posted on his campaign website. "No one else has the responsibility. ... They were mine and mine alone to carry."

It's unclear who actually sent the email. The House Business Office reviewed email and personnel records over the weekend, the Detroit Free Press reported. The investigation is to determine whether Courser and GOP state Rep. Cindy Gamrat of Plainwell broke House rules or whether there's evidence of illegal behavior.

Gamrat hasn't commented. In the audio statement released Monday, Courser apologizes to his family, his constituents and Gamrat's family. He blames former

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DOL continues to redefine independent contractor

The Department of Labor (DOL) recently issued a guidance memo declaring that "most workers are employees" under the Fair Labor Standards Act (FLSA). The guidance, an Administrator's Interpretation issued by Wage and Hour Division Administrator David Weil, is part of the DOL's continuing crusade against misclassifying employees as independent contractors, which is intensifying in part due to the proliferation of app-based companies built on the worker as independent contractor business model.

Kellen Myers, an attorney with Detroit-based management side labor and employment law firm, Nemeth Law, P.C. analyzes Weil's focus on the economic realities test to determine if an individual is an employee or independent contractor.

"The economic realities test is based on six factors and Weil's application of those factors results in a much more expansive interpretation of classifying individuals as employees under the FLSA," Myers said.

The 6 factors of the economic realities test as discussed by Weil are:

1. Is the work an integral part of the employer's business?
2. Does the worker's managerial skill affect the worker's opportunity for profit or loss?
3. How does the worker's relative investment compare to the employer's investment?

Weil emphasized this factor is "compelling" and, "whether the worker's work is an integral part of the employer's business should always be analyzed in misclassification cases." According to Weil, the more integral the worker's work is to the employer's business, the more likely the worker is an employee and not an independent contractor.

2. Does the worker's managerial skill affect the worker's opportunity for profit or loss?

This factor examines whether a worker exercises managerial skills and to what degree the exercise of those skills affects his or her ability to make a profit or experience a loss. Accordingly, a worker's ability to work more hours or the amount of work available should have no bearing on this part of the analysis.

"The economic realities test is based on six factors and (David) Weil's application of those factors results in a more expansive interpretation of classifying individuals as employees under FLSA."

— Kellen Myers

4. Does the work performed require special skill and initiative? Weil stated, "A worker's business skills, judgment, and initiative, not his or her technical skills, will aid in determining whether the worker is economically independent." Meaning, significant weight is placed on whether the person has business skills rather than technical skills.

5. Is the relationship between the worker and the employer permanent or indefinite? Generally, the more permanent or fixed the worker's relationship is with the employer, the more likely the worker is an employee. But Weil

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Michigan considers compensating innocent inmates

By David Eggert
Associated Press

LANSING, Mich. (AP) — One newly exonerated inmate walks free every couple of months in Michigan, which has released more innocent prisoners than all but four states. Julie Baumer was one of them, missing four years of family life and career advancement due to a child abuse conviction after her nephew's head injuries were mistakenly blamed on shaken-baby trauma.

Yet Michigan, unlike 30 other states that have provided the wrongfully convicted with financial support, is just beginning to seriously confront the issue after years of stalled efforts and a prolonged economic downturn.

"There's no closure," said Baumer, a 39-year-old former mortgage loan officer who now works an entry-level administrative assistant job for a parish near Detroit. She first stayed in a homeless shelter and has struggled to mend relationships with family members who'd lost hope of her 10- to 15-year sentence ending early.

"It's just an open wound that continually oozes emotional pain," she said.

The first steps to remedy the plight of Baumer and others came in June, when a legislative committee approved a bill that would provide \$60,000 for each year of wrongful incarceration plus lost wages, medical expenses and attorney fees.

The measure's supporters say it would be irresponsible to wait any longer, given that a bill first surfaced in Michigan a decade ago. Even Gov. Rick Snyder has brought attention to the issue, calling on lawmakers to help innocent inmates "back on their feet," though the Republican has stopped short of backing the current legislation.

"This is really just designed ... to recognize the fact that this person lost their freedom," said Democratic Sen. Steve Bieda, a bill sponsor. "We're trying to get them reintegrated into society and to put them at a level of comfort without necessarily being a billionaire walking out of the system."

But potential roadblocks may stand in the way. Term-limited legislators have priorities other than an issue affecting few of Michigan's 9.9 million residents. And the state isn't entirely settled financially — the general fund is roughly the same size as it was 15 years ago, and the upfront cost of compensation would be nearly \$16 million.

Half of the 56 people who have been freed in Michigan since 1989 would qualify for between \$30,000 and \$2.1 million, nearly \$592,000 on average, putting the state above

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