



# Washtenaw County LEGAL NEWS

—A Detroit Legal News Publication

LegalNews.com

PRESORTED  
STANDARD  
U.S. POSTAGE  
**PAID**  
ANN ARBOR, MI  
PERMIT NO. 152

Vol. 7, No. 96

Monday, January 9, 2012

50¢

NEWSPAPER OF RECORD SERVING THE BUSINESS, LEGAL AND FINANCIAL COMMUNITIES OF WASHTENAW COUNTY

## Mark the Date

The Washtenaw County Bar Association's Real Estate Law Section will hold a lunch meeting at noon on Tuesday, Jan. 17 at 200 N. Main, Ann Arbor. Participants are asked to bring a lunch and be ready to discuss any topic of interest. Reservations are due by Monday, Jan. 16, by contacting Candy Newton at newton @ ewashtenaw.org or 734-994-4912.

\* \* \*

The Nominating Committee for the 2012-2013 WCBA Board of Directors is seeking people to be part of the Nominating Committee which will submit names of candidates for the upcoming year's Board of Directors. The committee consists of the immediate past president, the president, and three active members who are not current members of the Board of Directors.

If you're interested in serving on the committee, contact U. Ashwin Patel at uapatel@umich.edu no later than Friday, January 13.

\* \* \*

The Washtenaw County Bar Association's New Lawyers Section will hold a happy hour from 5:30 to 7:30 p.m. on Tuesday, Jan. 10 at Jolly Pumpkin, 311 S. Main St., Ann Arbor.

Send reservations to Section Co-Chair Brittany Catterick at bcatterick@westermanpc.com or Jim Carty at jcarty@bodman-law.com.

\* \* \*

The Washtenaw County Bar Association's Alternative Dispute Resolution Section will hold a lunch meeting from 11:30 a.m. to 1 p.m. on Wednesday, January 11

See DATE, Page 2

## Asked and Answered

# Fighting blue collar tactics in a white collar world

Ashish Joshi's practice focuses on white-collar defense, complex commercial litigation, and cross-border litigation. Licensed to practice law in Michigan, New York, Washington D.C., and India, and fluent in four languages, Ashish is a shareholder attorney in the litigation boutique Lorandos Joshi, based in Ann Arbor with offices in New York and Washington D.C. Ashish is the co-chair of the Business Law Section for the Washtenaw County Bar Association.

Joshi talked to Jo Mathis of The Legal News about his work.

**Mathis:** You seem to have an unusual background. How did a lawyer from Ahmedabad, India end up being a trial lawyer in Ann Arbor, Michigan?

**Joshi:** After being involved in international litigation matters as an advocate in India, I was interested in developing a niche practice in cross-border litigation. I applied to and was accepted for a LLM program at the University of Michigan Law School and arrived in Ann Arbor in 2001. While I was studying for the New York bar exam I met my current law partner, Dr. Demosthenes Lorandos – a clinical psychologist and an attorney - who at that time was looking for a legal researcher to update one of his treatises on evidence law. We hit it off instantly and here we are today litigating cases around the country as a part of an aggressive litigation boutique comprised of seven lawyers – and growing fast. The best part: I have loved every moment of it!

**Mathis:** How did you find your transition from the Indian legal system to the American one?

**Joshi:** Not difficult at all. Both legal systems have their foundations in the English Common Law and much of India's laws dealing with criminal law, torts, contracts, property, and evidence have a lot in common with their English and American counterparts. The major difference however is in the American jury system. India does not have jury trials, so trying a case in front of a jury was a novel experience for me. The difference in the two countries' judicial culture had its lighter moments, as for example when during my early years in American courts I would address a judge as - what would have been my usual manner of addressing a judge in India – "Your Lordship." I remember a federal judge in the southern district of New York quipping: "You better be careful, Mr. Joshi. I could get used to this."

**Mathis:** Your practice focuses in part on defending white-collar criminal cases. Recently we have seen an upsurge in the Government's prosecution of white collar cases and a lot of these cases have been aggressively litigated by the Government and its agencies. Is this a part of an overall strategy by the Obama administration?

**Joshi:** The Enron debacle was the tipping point which led to an



Ann Arbor attorney Ashish Joshi hails from India

avalanche of white-collar prosecutions, parallel civil prosecutions, and related legislation. But what we defense lawyers have recently been observing is an increase in what's called "blue collar" tactics in prosecuting white collar cases.

**Mathis:** Such as?

**Joshi:** Expanded and aggressive use of undercover operatives, cooperating witnesses, confidential informants, wire tapping, and electronic eavesdropping. Also, we have seen an aggressive search & seizure operations wherein the federal agents have seized computer equipment, cell phones and other electronic paraphernalia at

See ATTORNEY, Page 3

## Michigan Law's business practicum helps students work with entrepreneurs



Photo by Jo Mathis

Students head for class at the University of Michigan Law School.

By KATIE VLOET  
*Law Quadrangle Notes Editor*

A couple of years ago, Barrie Lawson Loeks, University of Michigan Law School, class of 1979, looked through the course descriptions as her daughter prepared to start her first year at Michigan Law. The school offered some business classes, but nothing that would provide practical experience in the area of business entrepreneurship. Maybe I should teach one, she told her daughter, Jamie, now in her third year.

"She called me out on it. She said, 'Mom, you've been talking about doing this for 10 years,'" she recalls. And so it was that Loeks began the process of creating and teaching the Entrepre-

neurial Business Practicum, or practice simulation. Now in its second year, the class features business case studies, problem-solving exercises, and speakers, all designed to help students understand what it means to be a lawyer who works with entrepreneurs.

As Barrie Loeks explains, "What I'm trying to teach in particular with this group is how a lawyer can support and interact with, and add value to, an entrepreneurial company. Entrepreneurs are primarily focused on the product, especially in the early stages, and not on strategic planning or structure for the business. Lawyers are considered a necessary evil.

"What I teach my students is that they have to diagnose the

needs of the business and help the entrepreneur plan strategically for the future."

Loeks's class is one of many practice simulations added to the course catalog in the past few years. The idea was to expand skill-based learning options available to students, says Mark West, associate dean for academic affairs and the Nippon Life Professor of Law.

In the past, West says, much of this kind of training would occur at law firms. "We rarely taught things such as how to draft a discovery request or how to conduct due diligence. The firms picked up the slack" with seminars and on-the-job training, he says. With the downturn in the economy in

See STUDENT, Page 2

## Student: "I actually feel like I'm practicing law."

recent years, however, firms were more likely to make lateral hires than to bring on associates who didn't have these skills.

At the same time, the Legal Practice Program and clinics at Michigan Law had proven to be both popular and successful. "We knew we were getting value out of the non-doctrinal courses we were offering, even before the market forces took hold," West says.

A natural next step was adding practice simulations to courses such as Bankruptcy, Business Transactions, Evidence, and others. In the Evidence practicum, students examine impeachment, hearsay, expert testimony, and privileges, and their coursework includes the drafting of motions

and courtroom-based scenarios in which they dissect and apply the Rules of Evidence.

One of the greatest strengths of the initiative, West points out, is that the instructors typically are attorneys who are practicing in the relevant areas today. "You really need current practitioners teaching a lot of those classes," he says. "And demand for these classes is high. I get emails from students saying, 'I actually feel like I'm practicing law.'"

Professors who teach corresponding classes in a more traditional academic setting also see the value in the practice simulations.

"I have too many students to have in-class assignments every week," says Adam Pritchard, the Frances and George Skestos Professor of Law, who typically has

about 55 students in his Securities Regulation course. The practicum—taught by Barbara Griffin Novak, vice president and corporate secretary of ArvinMeritor, an auto supplier—"is the next step and is an important part of a model of teaching doctrine in the first and second years, then moving forward with skills training in the 3L year," Pritchard says.

For Loeks, now in her second year of teaching the practicum, the possibilities are vast. This year, she is pairing law and graduate-level engineering students for the first six weeks of the semester. "Wouldn't it be great if these students started the next Google, and then they called my law students to be their lawyers? They could be the next big thing in business."

## Nominations, sponsors sought for ATHENA Award

Women's Council of Washtenaw County, a non-profit public and professional organization which supports women in business, announced their call for 2012 ATHENA Award® Nominations and Sponsors. The ATHENA Award® is an internationally renowned recognition presented annually to individuals who demonstrate professional excellence and initiative; improve the quality of life for others in the community; and actively assist women in realizing their full leadership poten-

tial. The Women's Council of Washtenaw County will be presenting the award to a local leader whose work and values align with ATHENA®. To nominate a leader, please fill out the nomination form at [www.wcofwc.org/athena.php](http://www.wcofwc.org/athena.php) or send an email to [nominations@wcofwc.org](mailto:nominations@wcofwc.org). All nominations are due by January 23.

Sponsorship is needed from local organizations to support the ATHENA Award® dinner. Partnership with the Women's Council of Washtenaw County offers

organizations the ability to connect with an international women's leadership program and network with key leaders throughout Washtenaw County. In addition, sponsorship returns advertisement in the program and other publications, along with attendance at to the event. Different levels of sponsorship allow for organizations of all size to be able to contribute.

For more information about either sponsorship or nominations, email [athena@wcofwc.org](mailto:athena@wcofwc.org).

## Inn of Courts presents "The Nuts and Bolts of Trial Preparation"

The Washtenaw County Inn of Court's Team 4 will present "The Nuts and Bolts of Trial Preparation" from 5:30 to 7 p.m. on Tuesday, January 10 at the U.S. Courthouse - Federal Building, 200 E. Liberty Street, Ann Arbor. The evening will begin with networking, with the presentation to

follow at 6 p.m. Parking is free after 5:00 p.m. at the County Courthouse parking lot three blocks away.

Dues will be accepted at this meeting. Checks should be made payable to: Washtenaw Inn of Court. Judges, masters, and barristers pay \$100; associates,

\$75. Students are free.

Attendance at meetings is mandatory, and any two unexcused absences will result in dismissal from the Inn. If you are unable to attend this program, contact Kyeena Slater at [slaterk@ewashtenaw.org](mailto:slaterk@ewashtenaw.org) or 734-994-4912.

## Mark the date:

in the large conference room of the County Annex, 110 N. Fourth., Ann Arbor.

Terri Barker and Sally Brush will speak on handling differences between mediators. Participants are invited to bring their lunch.

The meeting is free for DRC volunteer/ADR section members. To receive a Continuing Education Certificate, the cost is \$25. RSVP to Sally Brush at [brushs@ewashtenaw.org](mailto:brushs@ewashtenaw.org) or 734-222-3745.



## Some OK banksters and a primer on scripophily

**Dear Mr. Berko:** My grandfather died in 2001 with eight different stocks in his footlocker, and I can't find one of them in the paper. A broker told me he could send them to his home office, and for \$150 each, they'd tell me if the certificates had any value.

The certificates themselves are beautiful, as you can see from the color copies I enclosed, but I don't want to spend \$1,200 if they turn out to be worth nothing. A friend said that you had once recommended a Robert Fisher, who said one of my friend's stocks was worth \$11.50 a share. (He had 67 shares.) Fisher charged him \$60 and told him where to send his certificates for the money. The other stock was worth nothing, but the signature on the stock was famous, and it was sold at an auction for \$282.

If you can't find any values, please send me Fisher's address so I can send the certificates to him.

My last question concerns \$5,500, which my son and I want to gamble with in the market. Can you recommend three cheap stocks under \$5 a share that you think could go higher in the next year or two? We don't want to lose that money but are willing to take a chance with it. We look forward to your answer.

—GL, Erie, Pa.

**Dear GL:** Taking a gamble without risk is like trying to milk an anvil. And you must be a knee-walking, stool-hugging drunk or dumber than a kumquat to think it can be done. But there are many rank speculations for less than \$5 that could have an exciting bang for your buck. The odds are better than the horses, and in this instance, the bookie will be a broker.

Now, I don't like bank stocks or banksters -- especially the big-city picaroons who have less conscience than a fox in a hen house. Complimenting the following banks stocks is like putting perfume on a pig. But if you like pork chops, then read on.

Synovus Financial (SNV-\$1.41) floats my boat and pays a 4-cent dividend ... In 2007, when the Dow was in the bozone layer, SNV was trading in the low \$30s and got zapped by the mortgage crisis. Now, for the first time since 2008, SNV expects to report a profit. This \$700 million revenue bank, with \$4.37 in cash

per share and a book value of \$2.86, could earn 15 cents in 2012, raise its dividend to a nickel and trade at \$5.00 a share in two years.

Regions Finance (RF-\$3.99) is a \$6.3 billion revenue bank with an \$11.08 book value, \$9.98 in cash per share, 28,000 employees and 1,800 branches in 14 states. Earnings for 2012 could be 48 cents, and the .04-cent dividend may be raised to a dime.

Finally, Flagstar Bancorp (FBC-56 cents) has 166 branches and 3,200 employees and before the market went bonkers was hugely profitable. In 2010, FBC had a 1-for-10 reverse split, and it may eke out a profit in 2012. With a \$1.78 book value, FBC could trade up to \$3 in the coming two years.

As for the certificates, I didn't realize a copy machine could make such exquisite reproductions. And were it not for the paper, most folks couldn't tell the difference between real and fake. Anyhow, the signatures do not have any historical significance, as would certificates signed by Edison, Morgan, Insul, Pullman, et. al.

However, the color combinations, the engraving and the printing process make those certificates as beautiful as a symphony by Bach or a painting by Michael "Mickey" Angelo. Because of that artistic beauty, scripophiles (folks who collect old stock certificates) might be willing to pay you a few hundred bucks per certificate. And if those certificates are rare, then a scripophile would be willing to pay you a handsome sum and then some.

Robert Fisher, who was one of the pre-eminent scholars in this field, retired to Florida 10 years ago to play golf. So a knowledgeable and dependable source to contact is Spink Smythe, and their website is [SpinkSmythe.com](http://SpinkSmythe.com). I don't know any of the folks there, but they have been in business for generations and are trustworthy.

Please address your financial to Malcolm Berko, P.O. Box 8303, Largo, FL 33775 or e-mail him at [mjberko@yahoo.com](mailto:mjberko@yahoo.com). To find out more about Malcolm Berko and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate website at [www.creators.com](http://www.creators.com).

Copyright 2011 Creators.com

## WASHTENAW COUNTY LEGAL NEWS

Published every Monday and Thursday by  
The Detroit Legal News Publishing L.L.C.

Bradley L. Thompson II, President  
Suzanne Favale, Publisher  
Julie McClellan, General Manager  
Jo Mathis, Editor  
Mary Steinmetz, Circulation Manager  
Toll-Free 1-866-857-0873  
Paul Arlon, Director of Advertising Sales  
[paul@legalnews.com](mailto:paul@legalnews.com)  
1-800-875-5275

2301 Platt Road, Suite 300, Ann Arbor, MI 48104  
Telephone: (734) 477-0201  
Email: [info@legalnews.com](mailto:info@legalnews.com)

**SUBSCRIPTION RATE:**  
Single Copy – 50¢  
One year – \$80

Look what America is reading!

**Public Notice**  
Luxury autos for sale!  
Real estate offered cheap!  
Abandonments, foreclosures.  
Great deals for sharp shoppers!

Follow the sales through your local newspaper.

Participate in Democracy.  
Read your Public Notices.

Thomas W. Poff  
Senior Supervisor  
Retired Royal Oak Police

Wayne Bullen  
President  
Retired Shelbyville State Police, OH

**W.B. INVESTIGATIONS INC.**

SECURITY CONSULTANT & INVESTIGATOR  
Confidentiality Assured

24120 Mendonbrook Road  
Suite 210; Novi, MI 48375

Office (248) 426-9666  
Fax (248) 426-9666

## Attorney loves every moment as a litigator

the outset of a criminal indictment. Not only does this contribute to the “shock and awe” strategy of the Government but it also brings a business to a grinding halt from conducting its day to day operations. Imagine your computers with all the client / customer information, billing software and data, business data being seized and gone all of a sudden! The DOJ, SEC, and IRS have demonstrated that they will use these tactics – which traditionally were utilized to fight “blue collar” offenses such as organized crime and drug trafficking – to assist their investigation of white collar crimes. And the prosecutorial successes – the recent conviction of the hedge fund billionaire Raj Rajaratnam – achieved through the use of these tactics guarantee that they are here to stay. This has been a major shift in how the Government has traditionally prosecuted white collar crimes such as securities fraud, tax fraud, insider trading and other traditional white collar crimes.

**Mathis:** Have you found use of these tactics in Michigan?

**Joshi:** Absolutely. Apart from other white collar prosecutions, Michigan has seen a surge of health care fraud prosecutions. Detroit - along with Miami, Denver, Los Angeles, and Houston – has been on the radar of the Obama Administration’s Strike Force on Medicaid Fraud. The recent indictments on health care / Medicare fraud cases reveal an aggressive use of wire tapping and electronic eavesdropping by the federal prosecutors. Apart from that, there is also an increase in the Government’s use of confidential informants which pose a special problem for the defense attorneys because the informants identities may never be revealed and have frequently been protected from disclosure by the courts around the country especially in cases where the informants are not testifying as witnesses at trial.

**Mathis:** Does any of this affect civil practitioners?

**Joshi:** In a way, it does. With the recent passage of the Dodd-Frank legislation, eligible whistleblowers that provide the SEC with original information that leads to a successful enforcement action get monetary rewards. This whistleblower legislation is in addition to other existing rewards that have been traditionally offered by the Government to people who have blown the whistle on corporate fraud or wrongdoing. The important thing about the whistleblower programs is that it does not require that employees report through their companies’ internal compliance system prior to reporting to an outside agency or the Government. This has led to the companies scrambling to strengthen their compliance programs and create incentives for their employees in a hope that the employees would engage in internal, rather than external, reporting.

**Mathis:** Given your firm’s nationwide litigation practice, do you find it difficult to be based out of Ann Arbor?

**Joshi:** Not at all. I love Ann Arbor! It is a wonderful city to work in and to raise a family. Also, we are 30 minutes away from a world-class airport that takes me wherever my practice requires.

We have worked on cases in Hawaii, California, Utah, New York, Florida, Texas, Georgia, the Caribbean, and India – all out of our downtown Ann Arbor office. We do maintain offices in New York and Washington, D.C. and we work out of these offices as needed but truly in this day and age of modern communications and video conferencing, it’s feasible to build a top-notch international litigation practice while living in a small but cosmopolitan city such as Ann Arbor. Also, having a nation-wide practice does not mean not keeping in touch with the local practice. Our Washtenaw County has a vibrant bar association and my firm and colleagues are very active in the local bar activities. My associate Andrew Bossory and I chair the County Bar’s Business Law Section. Another associate of ours, Beverly Griffor, co-chairs the Criminal Law Section. We write, speak, and participate in organizing programs and activities for the local bar. I believe being in Ann Arbor gives me best of both worlds: think globally act locally.

**Mathis:** What other areas do you see your practice growing in?

**Joshi:** Cross-border litigation and doing business in India. A lot of Michigan businesses have expanded globally in terms of acquiring businesses abroad or entering into joint-ventures in foreign markets. Breaking into the Indian and Chinese markets is on top of the list of every business with global ambitions. We have seen a huge surge in these practice areas. Given the fact that I am a person of Indian origin, have worked as a corporate litigator in India and am well versed in Indian laws, business environment and culture, I am uniquely positioned to represent American businesses and individuals interested in doing business in India. I relish assisting clients in figuring out the lay of the land, cultural issues, pitfalls and rewards of doing business in India.

Another practice area that has seen an increase in the recent years is the Government’s investigation and prosecution of American businesses and individuals under the Foreign Corrupt Practices Act (FCPA). FCPA was enacted for the purpose of making it unlawful for certain classes of persons and entities to make payments to foreign government officials to assist in obtaining or retaining business. With a surge in American businesses’ desire to expand globally and a crackdown on bribery and corruption worldwide, the situation has lent itself to create a perfect storm in FCPA investigations and prosecutions. Interestingly, the “blue collar” tactics that we talked about have also been recently used in FCPA prosecutions.

I have also seen an increase in collecting evidence in foreign jurisdictions. Recently, in a civil case involving theft of trade secrets, I had to take several depositions in New Delhi, India with both the Indian law enforcement and the U.S. law enforcement scrutinizing the case for a potential for criminal prosecution. Collecting evidence abroad is an exciting and fast-changing field that requires the attorneys to pay a close attention to not only the ever changing laws in this area but also to the culture of the host country.

Practicing trial law and litigating in courts around the country and abroad while challenging, has been extremely rewarding and has been truly a privilege.

## Committee seeks volunteers

The Nominating Committee for the 2012-2013 Washtenaw County Bar Association Board of Directors is charged with the duty of submitting names of candidates for the upcoming year’s Board of Directors. The committee consists of the immediate past president, the president, and three active members who are not current

members of the board. Committee Chair U. Ashwin Patel is seeking individuals interested in serving the WCBA by being a part of the Nominating Committee for this year. If you are interested in serving, reply to me at uapatel@umich.edu no later than Friday, January 13. Contact Patel at 734-763-9920 for more information.

## Vincent Video Service

Commercials - Video Taped Depositions  
Video Reenactments - Expert Testimony



- State of the Art HD Equipment
- 25 Years Experience

(734) 547-0934

vincentsvideo@yahoo.com

## OFFICE BUILDING

Partially furnished for sale or rent



2256 Sq. feet • Ideal for small firm  
Parking • Great location

\$350,000 cash or land contract,  
or rent for \$15.00 per sq. ft.

2201 Medford Road Ann Arbor, Michigan 48104  
Law Office of James Cmejrek

(734) 677-1440

## YOUNG BASILE<sup>SM</sup>

PATENTS AND TRADEMARKS

ATTORNEYS LICENSED TO PRACTICE  
BEFORE THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

734-662-0270

YOUNGBASILE.COM

YOUNG, BASILE, HANLON AND MACFARLANE  
301 EAST LIBERTY, SUITE 680  
ANN ARBOR, MI 48104

ANN ARBOR

TROY

PALO ALTO

## PROCESS SERVERS

Michigan Court Officers, Deputy Sheriffs & Process Servers' Association

Proudly 'Serving' Michigan since 1979

The Michigan Court Officers, Deputy Sheriffs and Process Servers' Association is your connection for professional and reliable Service of Process in Michigan.

Our highly trained, educated and professionally skilled members welcome your process needs. Let a Certified Process Server get it done for you.

We encourage you to contact any of our members listed on our on-line directory, or phone our office for a free MCODSA Statewide Directory.



Toll Free (800) 992 4845

MCODSA.com

