



# THE SUMMONS

## Saginaw County Bar Association

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Due to the COVID-19 pandemic, Saginaw County Courts are operating remotely. The public is welcome to attend court proceedings virtually and those interested may do so by following the instructions on our Remote Access Resources page.

Note this does not include the Family Division of the Circuit Court.

# MEETING DATES FOR 2020/21

*(Go to [www.saginawbar.org](http://www.saginawbar.org) for meeting updates)*

## **Board Meeting by ZOOM**

*(All Board Meetings will be held via ZOOM until further notice 1st Wednesday of every month at 12:00 PM )*

## **Pro Bono Committee Meeting by ZOOM**

*(All PB Meetings held via RING until further notice 3rd Tuesday of every month at 12:00 PM)*

## **Pro Bono Week**

*October 25 to October 31, 2020*

## **Annual Pro Bono Appreciation Event via ZOOM**

*Thursday, October 29, 2020  
Keynote Speaker. Attorney John Humphreys*

## **Ask the Lawyer**

*Monday, October 19, 2020  
Monday, December 7, 2020*



## **Christmas Party**

*Friday, December 4, 2020  
Horizons*



*(If you want your committee meeting dates listed here, send them to Kelli Scorsone, Executive Director)*

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# THE SUMMONS

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### IN THIS ISSUE

President's Message.....	2
In Memoriam .....	3
Meet Your New Officers & Board Members .....	4
Saginaw County Lawyers' Auxiliary.....	7
SCBA Executive Director's Report .....	8
National Pro Bono Week.....	10
Bankruptcy Case Notes.....	12
U.S. Supreme Court Holds that Title VII Protects Gay and Transgender Workers from Discrimination in the Workplace .....	15
Zoom Tips .....	IBC



### SCBA Website

[www.saginawbar.org](http://www.saginawbar.org)

### Lawyer Referral Service

1-800-968-0738

The articles in THE SUMMONS, unless clearly designated otherwise, are those of the author. They do not necessarily represent the opinion of the Saginaw County Bar Association or its members. Please direct your comments on THE SUMMONS, to its Assistant Editor, Ann R. Van Haute, 4301 Fashion Square Boulevard, Saginaw, Michigan 48603 • (989) 498-2100.



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## PRESIDENT'S MESSAGE

By: Millicent E. Shek

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Hello September! Is it just me or is 2020 flying by?

The new SCBA Board met for the second time in August and I am thrilled as we have a young, enthusiastic Board. Although this year has been socially uneventful due to COVID19, I still hope we spend this time accomplishing a few of our goals.

Please be advised that SCBA dues will be arriving in your email starting November 1, 2020. We appreciate everyone's continued participation in SCBA and we look forward to another great year despite the challenges we're encountering.

The SCBA's Annual Meeting and Golf Outing was to be held this month after being moved from August. For those of you who do not know, the golf outing has been cancelled for the year. Though unfortunate, we are already planning for next year's outing.

I am keeping my fingers crossed for the SCBA's Christmas party this year. As of right now, the tentative date is December 4, 2020 and it will be held at Horizons Conference Center. In the event we are forced to cancel the Christmas party, we will send out notification.

In the midst of the pandemic SCAO

has developed two new forms. MC505 allows the court to collect a party or witness's contact information, including cell phone number and email address. MC506 helps courts provide notice when a hearing will be held remotely and instructs the individual to confirm with the court that he or she is able to participate remotely, includes the date, time, and method of remote hearing, and provides guidance for the individual to access and participate in the remote hearing.

Many of us are returning to work and opening our businesses to the public. Under Michigan Executive Order No 2020-160, effective July 31, 2020, any work that is capable of being performed remotely must be performed remotely. Any businesses that require in-person work must abide by the workplace safeguards outlined in Michigan Executive Order 2020-161, issued July 29, 2020. There are a number of resources available as we begin to return to work, including but not limited to: (1) CDC's Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019, (2) OSHA guidance, (3) ICLE's Advising Employers During the COVID-19 Pandemic, and (4) the State Bar of Michi-

gan's Reopening Toolkit for Michigan Law Offices.

On August 3, 2020, certain Saginaw County departments at the court house (i.e., Register of Deeds, Treasurer's Office, etc.) opened to the public by appointment only. As to Saginaw County's court system itself, the Michigan Supreme Court has set forth guidelines entitled "Return to Full Capacity, COVID-19 Guidelines for Michigan's Judiciary" for the court's reopening which consist of four phases. On July 13, 2020, Saginaw County's court system moved into Phase Two which means proceedings are still being conducted virtually to the maxi-

mum extent possible and only limited in-person court proceedings are allowed when absolutely necessary. An in-person hearing is the exception and not the rule, and the necessity for an in-person hearing will be decided by each individual judge. A court is ready to advance to Phase Three when it has been determined there is no evidence of COVID19 rebound within the local community and SCAO has approved a Phase Three Plan.

To end, I leave you with a quote from US Supreme Court Justice William J. Brennan - "If it is a mistake of the head and not the heart don't worry about it, that's the way we learn."



## *In Memoriam*



**Hon. Robert E. Bright P11202.** Died July 31, 2020. He was born October 16, 1923 and was admitted to the State Bar of Michigan October 5, 1951.



**Gary Gottlieb P36082.** Died August 15, 2020. He was born July 20, 1950 and was admitted to the State Bar of Michigan January 4, 1984.



**Robert Krupka, Sr. P16268.** Died August 9, 2020. He was born June 22, 1932 and was admitted to the State Bar of Michigan December 29, 1959.

*Please help the Memorial Committee make sure no member is forgotten. Contact SCBA office at 790-5285 or [scba@saginawcounty.com](mailto:scba@saginawcounty.com) regarding the passing of any Saginaw County Attorney.*

*Our thoughts and prayers go out to all those who lost loved ones to Coronavirus.*

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# MEET YOUR NEW OFFICERS & BOARD MEMBERS

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## VICE PRESIDENT

*Nathan J. Collison*

**Hometown:** Saginaw, MI

**Undergraduate degree and school:** English Literature, Saginaw Valley State University

**Law School and graduation year:** Thomas M. Cooley, 2011

**SCBA member since:** 2013

**Law Firms you have and do work for:** Collison & Collison, Saginaw County Prosecutor's Office, Great Lakes Bay Legal Consulting, Great Lakes Bay Legal, Attorneys & Counselors

**Past/Present committees and/or activities:** Attorney Discipline Board Hearing Panelist; Past SCBA President, Vice President, and Secretary; Michigan Appellate Bench Bar Appellate Conference Foundation planning committee; Past Chairperson and current member of City of Saginaw Riverfront Development Commission; Saginaw Valley State University Alumni Board of Directors; Former Vice President of the Police Officers Association of Michigan, Saginaw County Prosecutors; Saginaw Art Initiative President

**Organizations affiliated with:** Saginaw and Bay County Bar Associations, United States Supreme Court Bar, Michigan Supreme Court Historical Society, Michigan Appellate Bench Bar Appellate Conference Foundation, Saginaw Valley State University Alumni Board of Directors

**Hobbies:** Spending time with my family, cooking, hiking and camping, gardening, playing guitar

A promotional banner for Jolt Credit Union. On the left, a circular inset shows a person in a green shirt performing a parkour move over a blue ball. The background is orange. The text reads: "LET'S KICK IT UP A NOTCH." in white, "jolt CREDIT UNION" in white and blue, and "1-989-799-8744 www.joltcu.com" in white at the bottom.

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**SECRETARY**

*Alexandria Brady*

**Hometown:** Saginaw, Michigan

**Undergraduate degree and school:** Central Michigan University, Political Science

**Law School and graduation year:** Thomas M. Cooley, 2015

**SCBA member since:** 2015

**Law Firms you have and do work for:** Susan Brady & Associates, PLLC

**Organizations affiliated with:** Women Lawyers Association of Michigan-Great Lakes Bay Region

**Hobbies:** I have a 10 month old child so I have no hobbies!



**TREASURER**

*Bethany McGrandy*

**Hometown:** Birch Run, Michigan

**Undergraduate degree and school:** Bachelor's Degree in Political Science from Saginaw Valley State University

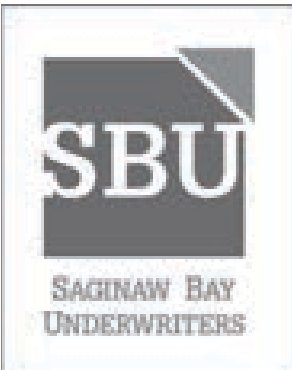
**Law School and graduation year:** Western Michigan University Thomas M. Cooley Law School - 2015

**SCBA member since:** May of 2016

**Law Firms you have and do work for:** Susan Brady & Associates, PLLC

**Organizations affiliated with:** Women Lawyers Association of Michigan-Great Lakes Bay Region.

**Hobbies:** Golf and spending time with my family, especially my one year old, Lincoln.



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**BOARD MEMBER - 3 YEAR TERM**

*Schivan V. Pedawi*

**Hometown:** Saginaw Township, MI

**Undergraduate degree and school:** Bachelor of Arts, Saginaw Valley State University

**Law School and graduation year:** Thomas M. Cooley Law School, 2012

**SCBA member since:** 2012

**Law Firms you have and do work for:** Collison & Collison, Great Lakes Bay Legal

**Past/Present committees and/or activities:** SCBA Board Member, 2014



**BOARD MEMBER - 3 YEAR TERM**

*Adam D. Flory*

**Hometown:** Owosso, MI

**Undergraduate degree and school:** B.A. Political Science, Michigan State University

**Law School and graduation year:** Michigan State University College of Law, J.D., 2015

**SCBA member since:** 2015

**Law Firms you have and do work for:** Smith Bovill, P.C.

**Past/Present committees and/or activities:** No committee memberships, but I have attended previous bar events.

**Organizations affiliated with:** State Bar of Michigan (Section member of: (1) Government Law; (2) Litigation; (3) Marijuana Law; (4) Negligence Law; (5) Young Lawyers)

**Hobbies:** Hiking, Kayaking, Baseball, Basketball





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## SAGINAW COUNTY LAWYERS' AUXILIARY

By: Claudia J. Wallace

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Thoughts and more thoughts from the members of the SCLA. As we move forward into the fall and winter months we are all in a position of “what do we...., how do we...., and when do we....?” What we do know is, we will all be behind masks. As the creativity of the masks has increased and been fun, I can't wait for the “winter versions” to arrive. No more socks and underwear in your stockings this year, MASKS!

Terry Oeming has been once again working diligently on the SCLA Roster for the coming year. At this state, all subject to change. Thank you Terry not only for this work but for keeping us all informed with updates as to activities and everything else you do for the organization.

Jennie Jordan has been reaching out to community leaders and businesses this past month recruiting perspective members and activities for future endeavors. Thank you Jennie for all your efforts to keep us in the know of the latest news.

**In a perfect world we are looking at:**  
September 17th Constitution Day

September 24th Fall Luncheon-invitation will be mailed with details

October 10th Cooking Class at Maple Grille 9-11 a.m. Call Terry Oeming for details

Just a thought by Henry Evens: A culture of accountability makes a good organization and a great organization unstoppable.

Stay safe, stay well, help keep Michigan move forward to keep businesses, restaurants, parks, schools, and all other facilities open. It takes a village.

Lastly, we want to extend our deepest sympathies to Bill Jungerheld on the passing of his wife, Melanie.

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## SCBA EXECUTIVE DIRECTOR'S REPORT

By: Kelli Scorsone, Executive Director

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We understand that the ongoing COVID-19 situation is an unprecedented challenge for everyone, both personally and professionally. Our hearts and thoughts go out to SCBA members, colleagues, and families.

The impact of COVID-19 is forcing organizations from all fields and industries to reconsider their all-important events in 2020, and our's is no exception. We have cancelled so many already and it saddens me to think of cancelling further events. So, we have left our Christmas Party scheduled for December 4th, and we have our fingers crossed that we will meet in person then. As these talks progress, you should expect more communication about the 2020 meeting in the days ahead. Of course, our focus will be the health and safety of our members, speakers, attendees and hospitality staff.

The Pro Bono Committee has made many changes to their events but are looking forward to seeing everyone via **ZOOM October 29th**, and are hoping all of you are participating in their search for an outstanding SCBA member (see last email on listserv dated July 31st).

SCBA Board Members are successfully working from home and office and holding many of our monthly meetings via Zoom. If you had planned to attend a committee meeting please contact the Chairperson to have meeting notices sent to you. We will continue to operate this way for the next few weeks/months, depending on how the situation develops. We are grateful to have at hand all the tools needed to communicate virtually, internally, and externally.

Much information is being sent from the Courts to members via the SCBA Listserv. Please if you are not receiving them or you have questions, reach out to me or a Board Member. We are all happy to help.

Attached is the link to **Saginaw County Health Department**. The Health Department has been posting updates for our county on the COVID-19 crisis

<http://saginawpublichealth.org/coronavirus/covid-19-cases-in-saginaw-county/>.

Please take care of yourself and your family. Hope to **see** everyone soon.

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## NATIONAL PRO BONO WEEK

By: Valerie Kutz-Otway  
Pro-Bono Committee Chair

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The National Pro Bono Celebration is scheduled for October 25 – 31, 2020. Sponsored by the ABA Standing Committee on Pro Bono and Public Service, National Pro Bono Week is a coordinated national effort meant to showcase the great difference that pro bono lawyers make to the nation, its system of justice, its communities and, most of all, to the clients they serve. And for the twelfth year in a row, the State Bar of Michigan has designated October as Pro Bono Month. All across the state, lawyers are participating in events designed to educate the public and the legal profession about pro bono legal services. The SBM Pro Bono theme this year is “Now More than Ever, Pro Bono is More than Just the Right Thing to Do.”

Despite the challenges presented by the COVID-19 pandemic, the SCBA is still making plans to host our Annual Pro Bono Appreciation Luncheon. The “luncheon” will be held on Thursday, October 29, 2020 via Zoom. All attorneys are cordially invited to attend. We are pleased to announce that Attorney John Humphreys will be our keynote speaker. Attorney Humphreys is known for

his commitment to serving the less fortunate in our community in various ways—including coordinating SCBA members to assist at the soup kitchen on the fifth Saturday of the month. SCBA members who are active participants in the Pro Bono Program and who attend the Zoom “luncheon” will receive a special gift, compliments of the SCBA. Please note that the October luncheon is also a SCBA Membership meeting.

Several Pro Bono awards will be presented at the “luncheon,” including the esteemed Pro Bono Attorney of the Year Award given in memory of Holli J. Wallace. This year we are also recognizing the many ways in which attorneys have volunteered their time and effort in reducing the burden of the Covid-19 Pandemic or those affected by the flood disaster. Watch your email for nomination forms and Zoom invitations. We hope that you will nominate a colleague for one of these awards and make plans to attend the luncheon.

Due to uncertainties created by the COVID-19 pandemic, the following pro bono events are currently in limbo:

- Ask the Lawyer Night. Ask the

Lawyer Night is made possible through a partnership with LSEM and the Public Libraries of Saginaw. Local attorneys take general questions from the audience regarding a particular topic. Ask the Lawyer Night is free and open to the public.

- The Legal Advice Clinic. The Legal Advice Clinic at Legal Service of Eastern Michigan has been temporarily suspended. At the clinic, volunteer attorneys provide assistance to low-income clients by giving one-time legal advice and brief service.

We are hopeful that Ask the Lawyer Night and the Legal Advice Clinic can

also be conducted virtually on dates to be determined. Stay tuned to future issues of The Summons and the SCBA listserv for updates as plans evolve.

See the SBM Pro Bono Initiatives website at <http://www.michbar.org/probono.cfm> for a list of other events scheduled statewide throughout the 2020 Pro Bono season.

To all pro bono attorneys, thank you for your hard work and dedication to those less fortunate in our community. We sincerely appreciate your service and look forward to seeing you at the Pro Bono Appreciation Luncheon on Thursday, October 29, 2020.

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## BANKRUPTCY CASE NOTES

By: Jack Weinstein

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The following article was written by Chapter 13 Trustee, Henry E. Hildebrand, III, of Nashville, Tennessee regarding the issue of the deductibility of a debtor's voluntary 401(k) contributions:

### Critical Case Comment

A "Chapter 13 debtor may exclude from disposable income amounts projected to be paid to an employer sponsored 401(k) where such payments are consistent with pre-filing contributions made to the retirement account. *Davis v. Helbling*, 2020 WL 2831172 (6th Cir. June 1, 2020) (Larsen).

In 2017, Camille Davis filed a Chapter 13 petition proposing to repay substantial unsecured debts (approximately \$189,000) over five years. She proposed a small dividend, paying her projected disposable income to the trustee. In calculating her projected disposable income, the debtor excluded from her income future monthly payments that she would continue to make to her employer-sponsored 401(k) retirement account. The trustee objected to confirmation based on the Sixth Circuit's prior holding in *Seafort v. Burden*,

669 F. 3d 662 (6th Cir. 2012) [a debtor may not initiate voluntary payments to an employer-sponsored 401(k) after completing payments on a 401(k) loan]. The Court, expressing grave concerns over the extent to which *Seafort* would apply, reluctantly refused to allow the debtor to take the exclusion from disposable income. The debtor filed an amended plan which increased her payments by the amount of the 401(k) contribution and, upon confirmation of the plan, appealed to the Judge's ruling.

The trustee, seeking to ascertain the extent of *Seafort*, argued that the post-confirmation contributions made by the debtor to a retirement account where, in fact, part of the debtor's disposable income and should be included in the calculation of projected disposable income and because the language that would shelter the contributions is found in the BAPCPA amendments to §541. Thus, the trustee argued, the property of the estate did not include any amounts that had previously been contributed to the debtor's 401(k)

but payments to be made post-petition were property of the estate and were disposable income.

The Court, however, was confused over the “hanging paragraph” provision of §541 that protected such payments. That provision provides: “Except that such amount under this subparagraph [payments to an employer-sponsored retirement account] shall not constitute disposable income as defined in §1325(b)(2).” Since that section deals with projected disposable income, and Congress could not have meant to pass something that had no application, the amounts contributed to a 401(k) should not be considered in calculating the debtor’s projected disposable income, even post-petition.

While most courts, prior to the enactment of BAPCPA, had recognized that the contributions made by a debtor to a retirement account constituted a form of savings and thus were not reasonably necessary for the maintenance and support of the debtor, BAPCPA and the enactment of the hang-

ing paragraph changed all of that. Now, courts generally construe post-petition 401(k) contributions are not to be considered disposable income. This means that Ms. Davis, having regularly contributed funds to her retirement account totaling \$220.66 per month, could continue to do so and exclude such amount from the calculation of disposable income.

“A debtor may deduct 401(k) contributions from her disposable income if she made an equal or greater monthly contribution prior to her bankruptcy... [B]ut a debtor who waited until after bankruptcy to begin making those contributions could not do the same.” “We conclude that the hanging paragraph is best read to exclude from disposable income the monthly 401(k) — contribution amount that Davis’ employer withheld from her wages prior to her bankruptcy.” The court expressed some caution, however, stating “our holding should not be read to curtail the good-faith analysis required by §1325(a)(3)... Our reading of the hanging paragraph may necessari-

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tate a more searching good-faith analysis to minimize the risk that a debtor contemplating bankruptcy might begin making 401(k) contributions prior to filing to lower the amount she must ultimately repay her creditors.” The decision of the bankruptcy court in confirming the plan was vacated and remanded.

#### What This Case Means to Debtors

While many courts had concluded that a debtor could continue to make contributions to a 401(k) after filing Chapter 13 without dedicating those funds to pay unsecured creditors, the Sixth Circuit did remind debtors that the amount that they could contribute post-petition was dependent on the amount they had contributed pre-petition. Since in *Seafort* the debtor proposed to start making 401(k) contributions after she had paid her 401(k) loan, the debtor was not proposing to continue voluntary contributions. Thus, these funds constituted disposable income after the debtor completed the loan payments. Debtors should be careful to time their filing of a Chapter 13 case to be after they have built up a history of making 401(k) contributions and propose this payment to continue post-petition, excluding such amount from disposable income. While a debtor is not free from the good faith analysis to make certain that the debtor did not suddenly ‘get religion’ and start a 401(k) voluntary contribution, it does provide some basis for a debtor to be able to continue to make those retirement contributions.

The debtor must make certain that proof exists to provide to the

trustee the amount of pre-petition payments that have been made and may need to establish that the 401(k) contribution is part of an employer-sponsored retirement program. Consequentially, the debtor cannot initiate contributions post-petition, the debtor cannot deduct contributions made to an IRA or other personal retirement account not sponsored by an employer.

#### What This Case Means to Creditors

Once again, unsecured creditors take it on the chin when applying BAPCPA. Clearly, Congress had no sympathy for unsecured creditors and such provisions as the “hanging paragraph” of §1325(a) and the “hanging paragraph” of §541, demonstrate that the protections provided to the auto finance industry and the debtors came at the expense of unsecured creditors. This should be no surprise.

It was interesting to note that no unsecured creditor participated at any stage in this case and no amicus briefs were filed in the Sixth Circuit. This seems to highlight an acknowledgment by unsecured creditors that voluntary contributions made to a retirement account started before the filing of the petition may continue.

Creditors are cautioned to verify that the debtor has made contributions to the retirement account prior to the filing of the petition consistent with the amount sought to be excluded from disposable income. Further, creditors should verify that the debtor’s contributions are made to an employer-sponsored retirement account.



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# U.S. SUPREME COURT HOLDS THAT TITLE VII PROTECTS GAY AND TRANSGENDER WORKERS FROM DISCRIMINATION IN THE WORKPLACE

By: David Bryce  
Masud Labor Law Group

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In a 6-3 decision announced on June 15, 2020, the United States Supreme Court held that the anti-discrimination protections afforded employees by Title VII of the Civil Rights Act of 1964 apply to gay and transgender workers. The holding in *Bostock v. Clayton County*, 590 U.S. \_\_\_\_, 140 S. Ct. 1731 (2020), which was decided along with two companion cases, makes it unlawful for employers covered by Title VII (generally, those with 15 or more employees) to discriminate against an employee based on his or her sexual orientation or gender identity.

As most employers are aware, Title VII prohibits workplace discrimination based on race, color, religion, national origin, and sex. The issue before the Court in *Bostock* was whether Title VII's prohibition against discrimination based on sex extended to sexual orientation and gender identity. The

majority opinion written by Justice Neil Gorsuch, an appointee of President Trump, determined that Title VII prohibits discrimination against employees on the basis of sexual orientation or gender identity. In reaching its conclusion, the majority reasoned that an employer who fired a male employee who dated men, but did not take action against a female employee who dated men, was necessarily discriminating against the male employee because of his sex. The majority rejected the argument that Congress did not intend for the term "sex" to include protections for gay and transgendered workers when it passed Title VII in 1964. The majority also rejected the contention that the word "sex" in 1964 was defined solely in biological terms to denote a man or woman. According to the majority, the "limits of the drafters' imagi-

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nation” provided no basis for ignoring “the demands” of Title VII or its words as written.

The extension of Title VII’s protections to gay and transgendered workers is a significant development for Michigan employers who are subject to Title VII. Such employers must ensure that they are not, and do not, discriminate against gay and transgendered employees with respect to hiring, firing, and the terms and conditions of employment. Employers must also recognize that harassment of employees based on sexual orientation or gender identity is now illegal under Title VII. Similarly, employers must avoid retaliating against an employee who exercises his or her rights under Title VII to complain about unfair treatment based on sexual orientation or gender identity.

To ensure that they are in compliance with the change in law announced in *Bostock*, employers should, among other things: (1) review policies for compliance with the new legal standard; (2) amend equal opportunity, sexual harassment, and retaliation policies to include prohibitions against discrimination based on gender identity or sexual orientation; and (3) implement training to educate managers and staff about the effects of the new law.

Finally, while Title VII does not generally apply to employers with fewer than 15 employees, Michigan’s Elliott-Larsen Civil Rights Act (the “EL-CRA”) does cover employers with 1 or more employees. While the ELCRA’s prohibition against discrimination in the workplace based on sex has not been extended by Michigan courts to include sexual orientation and gender

identity, smaller employers should nevertheless proceed very cautiously in terms of taking any action against an employee based sexual orientation or gender identity. This is particularly true in view of the fact that the Michigan Department of Civil Rights, which is charged with enforcing the ELCRA, has stated that it interprets the ELCRA to prohibit discrimination based on sexual orientation and gender identity. As always, an employer considering discharging an employee should first consult with its labor and employment counsel in order to minimize the risk of a wrongful termination lawsuit.

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# Zoom Tips for Attorneys and Parties

Courts have started conducting more proceedings remotely, and remote proceedings will continue to be held when appropriate. Here are some tips for participating in remote proceedings.

## Preparing for Your Proceeding:

- Make sure that your laptop or device is fully charged.
- Log into the hearing 5-10 minutes before the scheduled start time to check in with the court clerk and to make sure that you have time to resolve any technology issues.
- Test your [speaker](#), microphone, and [camera](#) before the hearing; do a [test meeting](#) to test your connection and setup, including any features such as chat, mute and unmute, and raise your hand “virtually.”
- Dress appropriately. Because the proceeding will be recorded, it is best to dress in a soft solid color; if a tie is worn, choose one that is solid rather than one with a pattern.
- Have all paperwork you may need for the hearing with you.
- Find a space that will have as few interruptions as possible. You should be alone in a quiet area where you will not be disturbed or overheard by others. Turn off any televisions, radios, or other devices.
- Do not operate a motor vehicle while participating.
- Keep your device on mute when not speaking. This reduces feedback and limits background noise.
- Place your mobile device on a solid surface with the camera at eye level. Avoid carrying the mobile device in your hand during the proceeding.
- Use only one device if possible. If you use more than one device, please mute one device to reduce feedback.
- Be mindful of what is behind you. Choose a solid neutral wall, if possible, or a professional background.
- If you and your client appear from different locations and you need to speak confidentially with your client during the hearing, the court can put you in a breakout room for a separate video conference that will not be observed or recorded in any way.
- Make sure that your video feed is turned on and that there is good lighting.

## In the Virtual Courtroom:

- Even though your hearing is remote, please remember that it is still a court proceeding. You should act professionally, the way you would if you were in the courtroom in person. Court rules and standards apply, and appropriate conduct and attire is required.
- When speaking, remember to look directly at the webcam, not at the screen.
- Speak one at a time and pause prior to speaking in case there is any audio/video lag.
- If you are not speaking, please keep your microphone/phone on mute to prevent any background noise from

being heard and placed on the record. It also helps court reporters to discern what was spoken when they prepare transcripts.

- The proceedings are being recorded. Everything said will be captured and made part of the record just as in a physical courtroom.
- Many of these remote proceedings are being livestreamed or will be posted to the Internet to comply with public access requirements for court proceedings. Be careful of any small talk or personal conversations during a recess or between cases because they may end up on the Internet.
- If you are asked to share your screen for any reason, remember that any application, such as your e-mail inbox or a document that you have open, will be shared until you pull up the document/video that you intend to share. Again, this could be livestreamed or posted to the Internet. It is better to minimize or close any application or document that you will not be sharing before the proceeding so that it does not appear in the Zoom recording or livestream.
- If you are sharing a [video or audio recording](#), you must select the “Enable Computer Audio” checkbox in the dialog box for sound to display and share as well.
- If you are disconnected from the proceeding, reconnect immediately with the same meeting information. If possible, limit others in your house from using the same Wi-Fi during the proceeding. Too many Wi-Fi users will make your Zoom connection unstable.

## Zoom

- Zoom has an extensive collection of instructional videos for almost all of its features. You may find them at the [Zoom Help Center](#) or Google what you want to do.
- Some common features you should know how to use are:
  - The [chat](#) feature
  - The [share screen](#) feature
  - The [audio and video control features](#), including
    - How to [reduce feedback and audio echoes](#)
    - How to [mute and unmute](#) yourself
    - How to [turn on and turn off the video feed](#)
  - The [waiting room](#) feature
  - The [breakout room](#) feature
  - The [“raise your hand”](#) feature

Not all courts use these features, but you may be asked to use one or more of them during a remote proceeding.

- If you experience issues with frozen screens, poor audio quality, delays, or getting disconnected, there are [several things](#) you can try to improve them.
- Please visit the Judicial Information Systems (JIS) [Virtual Courtrooms webpage](#) for more information and suggestions.

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