

Detroit Legal News.

News you cannot get anywhere else.

www.legalnews.com

Vol. CXIX, No. 202

Thursday, October 9, 2014

75 Cents

DAILY BRIEFS

Brinks attorney to speak at German symposium on IP



Gerlinde (Linda) Nattler

Gerlinde (Linda) Nattler, an attorney in the Ann Arbor office of Brinks Gilson & Lione, will serve as a speaker at the German Association of Intellectual Property Experts (VPP) Autumn Symposium 2014, to be held in Würzburg, Germany on Oct. 23-24.

Nattler will present "Damages and Invalidation Proceedings in the USA and Experiences with Proceedings before the U.S. Patent Office" on Friday, Oct. 24. A German native, Nattler focuses her intellectual property law practice on patent prosecution and IP portfolio management, with a particular emphasis on the areas of mechanics, electronics, hydraulics and computerized processes. Prior to joining Brinks, Nattler gathered extensive experience in U.S., European and German patent prosecution. While employed in Europe, she was admitted to practice before the European Patent Office. Nattler attended Thomas Cooley Law School on a full academic scholarship and graduated magna cum laude. She holds an undergraduate degree in physics from Universität Bayreuth in Germany.

DMBA to hold Night Out with the Bench and Bar October 9

Looking for an opportunity to connect with your fellow lawyers and jurists outside of the courtroom? Join the DMBA on October 9 as we welcome members of the Bench and Bar for a post-work happy hour at Buffalo Wild Wings at 1218 Randolph St. from 5-7:30 p.m. No program, no briefs, no arguments (except for the occasional friendly debate!) — this purely social evening will allow everyone a chance to connect with members of the judiciary, friends and colleagues in a relaxed setting. Registration is just \$20 for DMBA Members; non-member attorneys pay \$25. Judicial registration is complimentary. Registration includes light appetizers and one drink; a cash bar will be available.

Criminal Advocacy Program seminar

"Call Phone Science." Moderator: Tom Loebl. The Criminal Advocacy Program (CAP) seminars are back. Seminars will take place in the 13th floor auditorium of the Coleman A. Young Municipal Center (CAYMC), with a new start time of 12:30 p.m.

Attorneys must be on time and remain in attendance until the seminar ends at 2 p.m. in order to receive credit.

Holiday Hours

The Third Circuit Court Civil, Criminal and Family Divisions will be closed on Monday, Oct. 13, in observance of Columbus Day.

Find us on: **facebook**
LegalNews.com

INSIDE DLN

Abandoned Car Auctions	9
Calendar	20
City Council Minutes (06-05-14)	6
City Request for Bids	8
Classified Ads	4
Commencements	17
Crossword	4
Legal Notices	9
Mortgages	4



Wayne Law dean, 3 alumnae honored as Esteemed Women of Michigan

Jocelyn Benson, dean of Wayne State University Law School, and three Wayne Law alumnae — Judge Nancy Grant, Shirley Kaigler and Judge Wendy Potts — have been selected as four of 27 Esteemed Women of Michigan 2014.

The Esteemed Women of Michigan program recognizes women who have excelled in their professions, risen above intolerable circumstances, developed the means to help others or have become inspirational figures for the younger generation, according to the program.

The awards were presented Monday, Sept. 29, at the Royal Park Hotel in Rochester during a luncheon benefit for the nonprofit Dr. Gary Burnstein Community Health Clinic, the largest free health clinic in Oakland County.

Benson was named dean of the law school in June, after serving as interim dean since December 2012. An expert on civil rights law, education law and election law, Benson, 36, is

the youngest woman ever to lead a U.S. law school and has garnered numerous honors for her work.

In 2010, her book, *State Secretaries of State: Guardians of the Democratic Process*, was published. It is the first major book on the role of the secretary of state in enforcing election and campaign finance laws. That same year, she was the Democratic candidate for Michigan's secretary of state.

Benson is founder and executive director of the nonpartisan Michigan Center for Election Law, which hosts projects that support transparency and integrity in elections. She is also founder and director of Military Spouses of Michigan. She earned her law degree from Harvard Law School.

Grant, Wayne Law class of 1989, was elected to the Oakland Circuit Court in 1996, and appointed chief judge in 2009. She is past presiding judge of the General Jurisdiction Division

and past president of the Michigan Judges Association. She worked in private practice specializing in commercial litigation before joining the court.

She has earned many prior honors, including the Wayne State Alumni Association Headliner Award and Michigan Lawyers Weekly "Leader in the Law." She has been singled out by the Detroit Free Press for exemplary judicial attendance and selected by *Crain's Detroit Business* as one of the "40 under 40." She serves on numerous boards as a volunteer and also served as director of Wayne Law's honors program.

Kaigler, who earned her master of laws degree in taxation from Wayne Law in 1993, is a partner with Jaffe Raitt Heuer & Weiss, specializing in probate and trust administration, estate, tax, retirement and business succession planning, as well as elder law, health care proxy and special needs law issues. She is pres-

ident of the D. Augustus Straker Bar Foundation. She earned her bachelor's degree from WSU and her law degree from the University of Michigan Law School.

She is the author of several books on elder law and estate planning and has been honored numerous times for her work, including being named as a Michigan Lawyers Weekly "Leader in the Law," as a "Michigan Super Lawyer" by that publication and to Best Lawyers in America.

Potts, Wayne Law Class of 1977, was appointed to Oakland County Circuit Court in 1997 and has been elected to the bench ever since. She served as chief judge pro tempore from 2002 to 2003 and chief judge from 2004 to 2009. She was a magistrate in 48th District Court from 1984 to 1995.

She has served through Michigan Supreme Court appointments on the high court's Model See **WOMEN**, Page 5

International Body

Current issues in international commercial arbitration was the topic of a panel discussion Thursday, Oct. 2, sponsored by the Program for International Legal Studies at Wayne State University Law School. Panelists were Jack Coe, faculty director of the master of laws concentration in international commercial arbitration at Pepperdine University School of Law; Jeremy Sharpe, chief of investment arbitration in the Office of the Legal Adviser at the U.S. Department of State; and Abby Cohen Smutny, partner with White & Case. Moderators were Fred Acomb, chairman of the International Dispute Resolution Section at Miller Canfield in Detroit, and Charles Brower, a Wayne Law professor who is of counsel with Miller Canfield in Detroit. From left are Acomb; Brower; Coe; Sharpe; Smutny; Professor Gregory Fox, director of the Program for International Legal Studies; and law student Blair Daniels, president of Wayne Law's chapter of the International Law Students Association.

Attorney Joseph Page III dies

Joseph F. Page III passed away Oct. 6, 2014.

Page served as president of the law firm of Giammarco, Mullins, & Horton PC since 2007.

"Jeff was an integral member of the law firm for more than 20 years. He was tireless in his service to his clients and the community," said Julius Giammarco. "All of us at GMH consider it a privilege to have worked with him. He was a man of principle, integrity, and optimism."

Page was a member of the firm's Corporate Division, serving as chairman of the Health Care Law Section. He received his law degree from The University of Michigan Law School and a B.A. from Princeton University. He was recognized by Martindale Hubbell AV rating as well as a Best Lawyer in America, US News & World Report Top Lawyer, Michigan Super Lawyer, and DBusiness Top Lawyer. Page served on the American Health Lawyers Association Board and the Michigan State Medical Society Task Force on Medical Legal Issues.

Page was a retired colonel in the United States Air Force. He joined the Air Force directly from ROTC at Princeton University and actively served as the Academy Liaison See **PAGE**, Page 5

ASKED AND ANSWERED

BY SHEILA PURSGLOVE

Attorneys Explain Legalities of 'Crowdfunding'

Iris Linder and Nick Oertel are attorneys with the Business and Corporate Practice Group at Foster Swift in Lansing.

A graduate of the University of Michigan Law School, Linder focuses her practice extensively in corporate and securities work; she has experience representing companies in connection with fund formation and private placements of securities, as well as SEC reporting and registration. She also works on venture capital investment transactions, representing both investors and portfolio companies. She is active in the American Bar Association's Private Equity and Venture Capital Committee, and Federal Regulation of Securities Committee.

A graduate of Michigan State University College of Law, Nick Oertel has been a member of the firm's Business and Corporate Group since 2009. He focuses his practice in the areas of corporate transactions, Michigan non-property tax disputes, private placements of securities and business planning.



Iris Linder



Nick Oertel

ings, visual artworks and similar projects were the first users of crowdfunding platforms. Among the more popular platforms, Indiegogo was founded in 2008. Kickstarter launched in 2009, and RocketHub went online in 2010. Interest quickly evolved to utilizing crowdfunding not only to fund arts projects, but also to fund civic and charitable projects, and ultimately to fund businesses. By 2011, some businesses were successful in using crowdfunding to raise product development money by pre-selling products that were still in the development stage.

Pursglove: Why is legislation needed for businesses to raise money using crowdfunding?

Linder: Under the Federal Securities Act of 1933, as amend-

ed, and state securities acts, if a business sells equity (and in many cases debt) securities, the security must be either registered or exempt from registration. Early stage companies and many other businesses cannot realistically register their securities, given the cost and complexity of registration. For this reason, they rely on exemptions from registration when they sell securities. Under securities laws that have been in effect for the last 80 years, exemptions are not available if the company selling the securities has engaged in "general solicitation" in connection with the sale. Any broad based outreach to prospective investors is considered to be general solicitation, including web and social media postings, television and radio advertisements, and advertisements in widely distributed print media such as newspapers and magazines. As a result, crowdfunding was not legal as a vehicle for soliciting purchases of securities.

Pursglove: How did Congress respond when the small business community clamored for the right to sell securities using crowdfunding?

Linder: On April 5, 2012, the JOBS Act was signed by President Obama and became law. Title III of the JOBS Act authorizes the use of crowdfunding without registration for small offerings of securities (no more than \$1 million during a 12 month period) to both accredited and non-accredited investors. However, this law will not become effective until the SEC issues final regulations that deal with many complex issues relating to disclosures, the offering process, regulation of the crowdfunding platforms, and other matters.

See **ASKED**, Page 5

Official Newspaper: City of Detroit • Wayne Circuit Court • U.S. District Court • U.S. Bankruptcy Court

■ **Taking Stock**
 Malcolm Berko: SeaWorld stock won't hold water
Page 2

■ **Law Life**
 Some tips for proper phone protocol for attorneys
Page 3

■ **On Point**
 Police misconduct claims deserve day in court
Page 19