

LEGAL BYTES



The Oxford Comma Reigns!

Aileen Leipprandt, Hilger Hammond PC, Grand Rapids, MI

Every ten years, the American Institute of Architects (AIA) releases updated editions of its flagship design and construction agreements, the most recent of which AIA published in 2017. The 2017 revisions were unexceptional. For the most part, commonly negotiated provisions such as indemnity and the mutual waiver of consequential damages remained unchanged. However, one *seemingly* inconsequential revision, diminutive in size, abundant in application, and ostensibly stylistic in nature, reigned supreme—the Oxford comma.

The A-201 2017 General Conditions, for example, is pocked with dozens of Oxford (or serial) commas. Grammar Gods or Goddesses may recall that the serial comma is a comma placed immediately before the coordinating conjunction in a series of three or more terms. For instance, “eggs, bacon, and sausage.” Those who favor the Oxford comma argue that the comma is necessary to avoid ambiguity. Others claim the serial comma is optional and a matter of style, with modern journalism scrapping its use.

Why the fuss over a comma? AIA’s introduction of the unpretentious punctuation may have its origin in the highly publicized case, *O’Connor v. Oakhurst Dairy*, 851 (cont. p. 2)

Tech Mate

Teresa Garber, PP, CLP (NALS of West Michigan; Technology Chair)

Who has had it with their computer? It’s just too slow. You can’t use the camera and the mic at the same time without it going out. And if you try to upload a photo, it just . . . sits there . . . staring at you. You’ve tried deleting apps and programs you don’t use. You’ve added memory to it. You may have asked your kids for help. But, it (cont. p. 2)



Contents

The Oxford Comma Reigns!	1
Tech Mate	1
Why and How to Recertification	3



Comma (cont. from page 1)

F3d 69 (1st Cir. 2017), where the absence of the Oxford comma cost a dairy business dearly. In that class action lawsuit, truck drivers sued Oakhurst Dairy for overtime pay. The case turned on the interpretation of a Maine statute which exempted from overtime pay requirements, “canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of: (1) Agricultural produce; (2) Meat and fish products; and (3) Perishable foods.” The crux of the dispute was whether the law exempted the *distribution* of the three categories that followed the last

comma in the sentence, or whether it exempted *packing* for the shipment or distribution of those items. In a ruling that hinged on punctuation, the court opined that the absence of a serial comma after “shipment” favored the drivers’ argument that only the packing task was excluded from overtime pay, not distribution. The court awarded the drivers \$10 million. The case later reportedly settled for \$5 million. Maine has since revised the disputed law.

Change is good. Comma drama is bad.
Govern yourselves accordingly.

“Change is good. Comma drama is bad. Govern yourselves accordingly.”

Volunteers Needed

Given the economic downturn from COVID-19, bankruptcy filings are expected to increase dramatically. Legal Aid of Western Michigan is looking for volunteers to assist individuals in gathering information needed to file bankruptcy petitions. No prior bankruptcy experience is needed.

- Volunteers will be supervised by an attorney from Legal Aid.
- Volunteers will be responsible for gathering information needed to prepare bankruptcy schedules.
- Cases are not expected to be overly complicated.
- Intake can be performed remotely.
- Volunteers are asked to commit to one year and work on one file per month.
- Average amount of time needed for each file is approximately 5 hours.
- Schedule is flexible.

Please contact Sherri Miedema at smiedema@hilgerhammond.com for more information or to sign up to volunteer.

Tech Mate (cont. from page 1)

may just be time to bite the bullet and buy a new computer. So, what are you going to do with your old one?

You cannot simply throw your old computer in the trash or recycle bin. They are considered e-waste and have to be recycled appropriately. E-waste includes anything with a battery and a power cord because they contain hazardous elements for the environment (*i.e.*, iron, silicon). Circuit boards contain cadmium and lead.

Many retailers accept smaller items such as cell phones and tablets (you do this when you upgrade your cell phone). However, few take back computers. Best Buy will recycle computers for free and charge \$25 for recycling monitors. Staples recycles computers, including monitors for free as well. There are companies that offer “take-back” recycling programs. For example, Dell will take back products for recycling with its name on it for free, including free shipping. Dell also partners with Goodwill locations for e-recycling drop-offs. Many cities offer electronics recycling. You can also donate your computer to organizations such as Goodwill or Computers with Causes, which will repair your computer (if economically feasible) and donate it.

Before getting rid of your computer, you must secure your personal data. The company you junk it to will not do this for you, and your personal information is at risk of being stolen. First, backup your computer by saving everything onto an external hard drive or USB. Then wipe the computer’s hard drive by shredding the software programs. Wipe the external drives. Delete the browsing history (open a browser, select “History,” check all boxes, then delete). Uninstall all programs from the computer. Then encrypt all of your files for extra security. Last, physically damage the computer’s hard drive if you are still concerned.



Why and How to Recertification

Heidi Hopper, PP, (NALS of Lansing; VP Certification/Education)

Through NALS, I am a newly certified ALP/CLP/PP. Are there requirements for maintaining my certification? Yes, it is *recertification*.

Recertification is required every five years, from the date the certification was issued or the most recent recertification certificate, because of the ever-changing profession to which we belong. The recertification process is:

- Earn Recertification Points: You can participate in educational activities to earn points toward recertification. (ALP 50 hours of CLE; CLP 75 hours; PP 75 hours, including 5 hours of ethics)
- Get Organized: Maintain a file with all of your continuing legal education ("CLE") certificates and other documentation OR track your CLE credit hours online through NALS' New Certification Journal Tool.

Documentation to Send to NALS: At any time prior to the expiration of your current validity period, submit the application (see <https://www.nals.org/page/recertification> for online applications), supporting documents and payment online (ALP \$50; CLP and PP \$75).

There are seven ways/modules to earn recertification points: 1) post-secondary education (grade "C" or better of relevant courses); 2) authoring articles/publications; 3) teaching; 4) conferences, seminars, and workshops; 5) Self Study; 6) Other National Certification(s); and 7) NALS National volunteer hours.

Low cost or no cost CLE credits can be found on the NALS website, some of the larger firms offer webinars, and NALS of Michigan Legal Education Committee will offer a Fall Series and a book club event. (cont. p. 4)



Labor Day

The first Monday of September is observed as Labor Day in the United States. It is the national tribute to the contributions workers have made to the strength, prosperity, and well-being of our country. Labor Day was first recognized by states. While New York was the first to draft a bill, Oregon was the first to pass a law recognizing Labor Day in 1887. The United States finally recognized the first Monday in September as Labor Day in 1894.

NALS of Michigan

The Association for Legal Professionals

President:
Laleise Curtiss (NALs of Detroit)

Vice President
Education/Certification:
Heidi Hopper, PP, PLS (NALs of Lansing)

Vice President
Membership/Marketing:
Rashonda Wilson (NALs of Detroit)

Executive Secretary:
Kathy Rood (NALs of Lansing)

Treasurer:
Natacha Valmont (NALs of West Michigan)

Parliamentarian:
Teresa Garber, PP, CLP (NALs of West Michigan)

Recertification (cont. from p. 3)

An easy way to keep track of your CLE is by using the NALS Professional Development Journal (visit How To: Certification Journal

(https://www.nals.org/page/certjournal_howto) for complete journal overview.

Step 1: Click + Add Entry

Step 2: Follow the on-screen prompts

- Is this entry for a Certificate or Program: Always select "Yes."
- Certificate/Program: Select "Continuing Legal Education (CLE)"
- Credit Type: Select the credit type that most closely applies
- Entry Date: Enter the date CLE was earned
- Description: List the name of the program/session
- Credits Expire: This date will be FIVE YEARS: from the date earned (i.e. 1 hour of CLE was earned on 09/01/2010 so the expiration date would be 09/01/2015).
- Score: (optional)
- Activity Code: (optional)
- Attachments: (optional)

Step 3: Click Submit

Emeritus status is available to the following: (1) certified CLPs/PLSs or PPs who are 62

years of age or older who are retired from employment in the legal services field; and (2) certified CLPs/PLSs or PPs who are permanently disabled. An application requesting CLP/PLS or PP Emeritus status may be submitted online through our website. If Emeritus status is sought because of a permanent disability, proof of disability should also be provided. Upon notification of approval of Emeritus status, the CLP/PLS or PP will not be required to accumulate points to recertify. If a CLP/PLS or PP returns to work in the legal field, the Emeritus status is invalidated. CLPs/PLSs or PPs who previously fell under mandatory recertification will have five years to recertify from the date of reemployment.

Not currently certified, contact Heidi Hopper, PP (hhopper@fosterswift.com) or Deborah Surls, CLP (dsurls@osklaw.com) for information on obtaining your certification. And most importantly, keep learning!

For more information about NALS of Michigan:

<https://www.nalsofmichigan.org/>





Fall CLE Series:

We are happy to share with you the lineup for NOM's **Fall CLE Series**. See below and watch for the invites and more information coming your way.

Date/Time	Topic/Title	Presenter
September 9, 2020 @ 12:10 p.m.	Liquor Control Commission – Changes During COVID-19	Mark Burzych of Fahey Schultz Burzych Rhodes, PLC
September 16, 2020 @ 12:10 p.m.	Social Media 101	Rashonda Wilson NALS of Michigan, VP of Marketing
October 13, 2020 @ 12:10 p.m.	Zoom 101	Mark Lewis NALS, Membership Director
October, 2020 (Date TBD)	Ethics	Craig Lubben, Managing Member Miller Johnson
November 4, 2020 @ 12:10 p.m.	Domestic Law	Rachel Gruetzner, Owner Your Path Family Law
November 19, 2020 @ 12:10 p.m.	“Just Mercy” – Reading for Change NOM Book Club – Short Discussion (more information coming)	Kathleen Hutchins, PLS - Moderator

We hope you are able to take advantage of these CLE opportunities. Thank you for

your support. Tami Carl, CLP (carlt@millerjohnson.com)

Kathleen Hutchins, PLS (kehutch60@yahoo.com)

2020-2021 Co-Chairs, NALS of Michigan Legal Education Committee

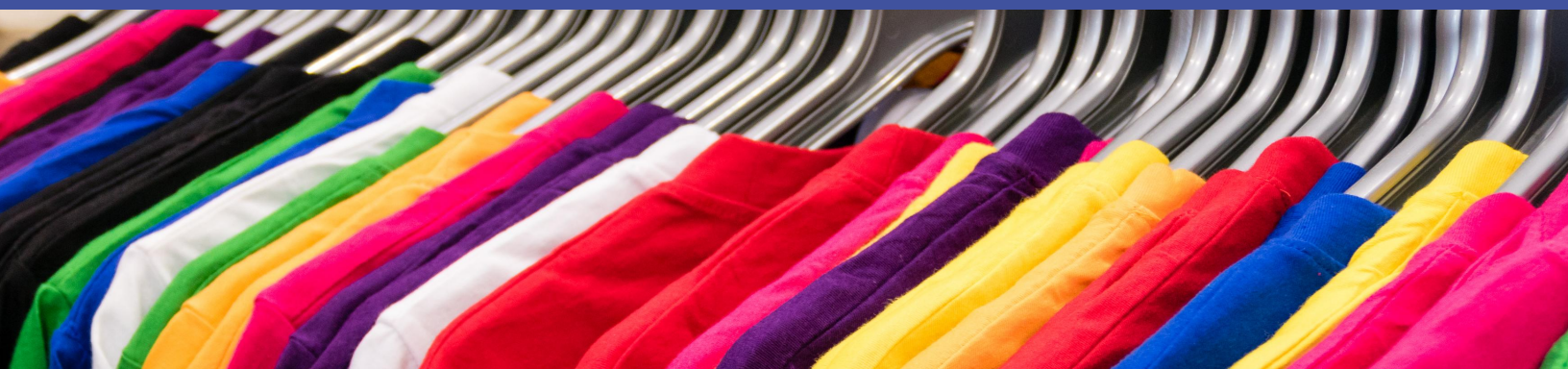
NALS OF MICHIGAN

CALLING NALS OF MICHIGAN
MEMBERS AND CHAPTERS



Design A T-Shirt Contest

September 11, 2020 – October 31, 2020





Contest Rules

DEADLINE: OCTOBER 31, 2020

- Shirt design must reflect NALS of 2020
- Shirt design must be creative
- Shirt design must be submitted to Rashonda via e-mail by 11:59 P.M. on October 31, 2020
- All NALS of Michigan members will cast a vote for the best T-Shirt Design (more info will follow)
- The Winner (Chapter or Individual) will receive creative bragging rights and spotlight in "Legal Bytes"
- The Winning Design will be the face of our 2020 - 2021 Fundraiser Campaign

