

On Law

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CUMMINGS • McCLOREY



DAVIS & ACHO, P.L.C.

ATTORNEYS AND COUNSELORS AT LAW

2017 Year in Review: *Two Offices Relocated, Skilled Attorneys Hired, and Remarkable Anniversaries Celebrated*

As a new year is upon us, we reflect back on 2017 and the successful year we had at CMDA. Two of our offices relocated to larger and more efficient locations, we hired several attorneys, and celebrated some remarkable anniversaries.

Livonia Relocation

In September, our Livonia office relocated to College Park Development in Livonia. "This was the perfect time for us to relocate our Livonia office. We were outgrowing our space, and our new location enables us to accommodate our clients more effectively and efficiently," said Bob Blamer, an Equity Partner of the Firm who oversaw the move.

The move, designed to punctuate the Firm's growth and wide-ranging legal services, provides a modern, broad, open space that can embrace additional staff members and attorneys. In addition to increased space, high-tech advantages, and room for growth, the Firm's new location is conveniently located just west of I-275 and north of Six Mile Road and is easily accessible to our clients and professionals.

Please note our new address:

17436 College Parkway
Livonia, Michigan 48152

Traverse City Relocation

In December, our Traverse City office relocated a few blocks east from our prior location. "Our larger and brighter downtown location is conveniently located on Front Street overlooking the Boardman River," explains Haider Kazim, a partner in our Traverse City office.

Please note our new address:

310 West Front Street, Suite 221
Traverse City, Michigan 49684

Attorney Hires

Attorneys Joel Ashton, Curt Benson, and Lawrence Opalewski joined our Firm in 2017.

Joel Ashton is an attorney in our Livonia office where he focuses his practice on insurance defense, including Michigan no-fault claims (PIP, automobile negligence, uninsured/ underinsured motorist), as well as premises liability and general negligence. His practice also includes the defense of contract and liability claims, contract interpretation issues, subrogation claims involving automobile, fire and casualty, commercial and related coverage.

Mr. Ashton is an experienced litigator who has tried over 50 civil jury trials in circuit and district courts throughout Michigan and has participated in countless arbitrations, facilitations, and case evaluations. He is skilled at breaking down complex matters into understandable terms, which allows clients the ability to evaluate options and develop effective strategies.

Mr. Ashton may be reached at (734) 261-2400 or jashton@cmda-law.com.

Curt A. Benson is an attorney in our Grand Rapids office where he focuses his practice on complex commercial litigation, securities law, insurance law, and criminal defense.

In his over 30 years as a litigator, Mr. Benson has tried dozens of jury trials in both civil and criminal courts throughout Michigan. He has argued cases before the Michigan Supreme Court, Michigan Court of Appeals, circuit, probate, and district courts, federal district and bankruptcy courts, Worker's Compensation Bureau, American Arbitration Association, Driver's License Appeal Division, as well as FINRA securities arbitrations and mediations in New York and case evaluations in New Jersey.

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2017 Year in Review (cont.)

Mr. Benson hosts a very popular syndicated radio program, *The Lawyers*, which airs on Sunday evenings on Newsradio WOOD 1300 and 106.9 FM. On the program, Mr. Benson interviews professors, judges, lawyers, and lawmakers on legal issues in the news.

Mr. Benson may be reached at (616) 975-7470 or cbenson@cmda-law.com.

Lawrence (Larry) Opalewski is an attorney in our Clinton Township office where he focuses his practice on municipal law, constitutional law, employment and labor law, insurance defense, and law enforcement defense and litigation. He represents counties, cities, townships, villages, and governmental officers throughout the State of Michigan on many different legal issues. Mr. Opalewski practices in both state and federal courts, including the Sixth and Ninth Circuit Courts of Appeal.

He was named a Michigan "Rising Star" in general litigation by *Super Lawyers Magazine* in 2017. This designation given to no more than 2.5% of attorneys under the age of 40 by election of peers.

Mr. Opalewski may be reached at (586) 228-5600 or lopalewski@cmda-law.com.

These attorneys are all wonderful assets to the Firm, and I am sure you will hear much more about them in future newsletters.

Employee Anniversaries

Several employees celebrated impressive anniversaries with the Firm in 2017. **Robert Hahn**, an attorney in our Livonia office, **Marcia Guy**, the Firm's Office Manager, **Cindy Hinks**, a paralegal, and **Janice Canouts**, a legal assistant, all celebrated their 30th anniversary; **Amy Sabolik**, a paralegal, celebrated her 20th anniversary; **Allan Vander Laan**, a partner in our Grand Rapids office, celebrated his 15th anniversary; and **Haider Kazim**, a partner in our Traverse City office, celebrated his 10th anniversary. We are fortunate to have such a wonderful group of people working at the Firm and thank them all for their dedication.

The continuous and steady growth of CMDA is a true testament to the hard work our attorneys and support staff put into our Firm and the superb level of service we offer clients. This growth and longevity only occurred because of the outstanding clients we have been blessed to serve. Thank you for your support in helping CMDA continue to be a premier law firm with office locations throughout Michigan, Kansas and California. Have a great 2018.

Christopher G. Schultz, Managing Partner

Avoid Being a Victim of Cyber-Crime



Robert J. Hahn

At the recent Securities Exchange Commission and Department of Justice Enforcement and Litigation Update Conference, speakers included the Director of the SEC Regional Office, Chicago, The Chief of the White Collar Unit of the US Attorney's Office, Detroit, the Detroit Supervisory Special Agent of the FBI, as well as in-house counsel for local businesses. Much of the discussion was about the rise of cyber-crime. The FBI agent said, "There are two types of companies, those that have been hacked and those that just don't know they have been hacked."

As attorneys, we are seeing this crime wave first-hand, and we have recently seen an increase in the number of clients who have been victimized by cyber criminals. For example, we obtained a favorable settlement in a matter in which our clients were closing on the purchase of a condo in Detroit when they received an email, ostensibly from their realtor, stating the closing had been rescheduled. They also received a separate email stating that the wire instructions for the down-payment for the condo had been "updated and corrected." In fact, the "updated" instructions redirected the payment for the condo to a fraudster's account, which then immediately transferred

to an account in Hong Kong. (At the conference, the FBI said the rate of recovery for these crimes is 34%.)

In speaking with the FBI, we have learned that there is a ring operating out of Hong Kong targeting Detroit for cyber-crime. They hack the computer system of banks, brokers, title companies, and other transaction participants, and then watch as the transactions develop and strike just before closing. They are invisible until they send the fake payment directions. An easy way to prevent this type of fraud is to verify the wire transfer directions by a phone call to the office that ostensibly sent the wire transfer instructions. Do not trust the phone number on the email. Be sure to obtain the phone number independent of the wire instructions.

If you believe you have been the victim of a fraudulent scheme to redirect your down payment, or another cyber-crime, it is important that you act quickly. Immediately contact the regional office of the FBI, your bank, and your legal counsel.

Robert J. Hahn

Robert J. Hahn is an attorney in our Livonia office where he focuses his practice on business law, utility law, and litigation. He assists business clients with matters relating to corporate and commercial litigation, collections, securities, and real estate. He may be reached at (734) 261-2400 or rhahn@cmda-law.com.

Understanding the Recent Changes to Michigan's Unclaimed Property Reporting



Gerald C. Davis

Beginning in 2018 in Michigan, all companies with no unclaimed property will be required to file a zero or negative report. Under Michigan's Unclaimed Property Act, anyone holding unclaimed property of another must report such property as abandoned to the State of Michigan under a process known as escheats. Therefore, a bank holding money for a depositor over a number

of years, which determines the property is abandoned, must turn this property over to the State. The State of Michigan has been very aggressive in recent years in enforcing the escheat process and procedure as a method of revenue enhancement.

But now, all companies without any unclaimed property will be required to report that fact to the State as well by filing a zero or negative report.

Unclaimed property is any asset, tangible or intangible, belonging to a third party that remains unclaimed for a specific period of time by the rightful owner. The forms to be filed are Form 1223 – Annual Report of Unclaimed Cash and Safe Deposit Boxes, and Form 2011 – Holder Transmittal and Checklist for Annual Report of Unclaimed Property.

Companies will need to identify properties that may be reportable as unclaimed property as of March 31, 2018. By July 3, 2018, all companies will need to mail the electronic media containing the Annual Unclaimed Property Report and Remittance

to the Unclaimed Property Division of the State of Michigan. In filing the reports, all properties reporting 10 or more unclaimed property accounts must report via upload, CD-ROM, or USB flash drive. Only entities reporting fewer than 10 properties will be allowed to file a paper report. However, companies making such disclosures are cautioned to retain copies of all such reports filed and supporting documentation on file for 10 years.

There is also Form 4869, which permits late filing for entities to voluntarily comply with the requirements of the Michigan Unclaimed Property Act by offering a voluntary disclosure agreement.

Citizens are particularly cautioned because they may have deposits with financial institutions in minor amounts for emergency access, which, because of inactivity, are deemed abandoned by the financial institution and may be transmitted to the State of Michigan. While a depositor whose assets have been forwarded to the State may make claim against the State, the process is cumbersome and requires documentation to support ownership and entitlement to the proceeds from the State of the surrendered property deemed abandoned by the financial institution.

Gerald C. Davis

Gerald C. Davis is a partner in our Livonia office where he concentrates his practice on corporate and business law, leveraged buy-outs, company reorganization and refinancing, analyzing investments for joint ventures, intellectual property, and drafting loan agreements. He may be reached at (734) 261-2400 or gdavis@cnda-law.com.

Hirzel Admitted to the College of Community Association Lawyers



Kevin M. Hirzel

We are pleased to announce that Kevin Hirzel, a partner and practice group leader of our community association practice group, has been granted membership in the College of Community Association Lawyers. He is one of fewer than 175 attorneys nationwide to be admitted to the prestigious organization. Mr. Hirzel is only the third attorney in Michigan

to be inducted into the College of Community Association Lawyers. Fellows are recognized for committing themselves to the highest standards of professional and ethical conduct.

He is a member of the CAI National Government and Public

Affairs Committee that sets national policy for community associations. He also serves as a chairman of the Special Committee for Condominiums, PUDs, & Cooperatives of the State Bar of Michigan's Real Property Law Section. Mr. Hirzel is a chairman of the Michigan CAI Legislative Action Committee and advocates on behalf of community associations regarding legislation that will impact Michigan community associations on a state and national level. He was named a Michigan "Rising Star" in real estate law by *Super Lawyers Magazine* from 2013-2017 and selected as a 2015 Up & Coming Lawyer by *Michigan Lawyer's Weekly*.

Mr. Hirzel works out of both our Livonia and Clinton Township offices and may be reached at (734) 261-2400 or khirzel@cnda-law.com.

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 to the attention of the contributing writer. Remarks concerning miscel-
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 Jennifer Sherman.

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Our Vision

To meld our legal expertise, professional support staff,
 technical resources and variety of locations to deliver
 first rate legal services at a fair value to a full range
 of business, municipal, insurance and individual clients.