

SCHUITMAKER LAW OFFICE, P.C.

ATTORNEY AT LAW
181 W. Michigan Avenue, Suite 1 • P.O. Box 520
Paw Paw, Michigan 49079
Phone (269) 657-3177 • Fax (269) 657-3826
www.sclawoffice.com

September 22, 2022

Mayor, Members of City Council
and City Manager
City of Hartford
19 West Main
Hartford, MI 49057

Re: Interlocal Fire Department Agreement
with Township of Hartford

Dear Mayor, Members of Council and City Manager:

As you know, the Hartford Township Board has invoked the Arbitration clause in the fire contract.

I wanted to let the Council know that I recommend Attorney John Allen from Kalamazoo as Arbitrator for the City. Attorney Allen has agreed to be the City's Arbitrator. His extensive bio is attached.

After having talked with the City Manager and its officials, I have tried to narrow down some of the most important, immediate, issues to be discussed at arbitration; they are as follows:

1. Sustainability of Fire Department(s)
According to the local newspaper, the Chair of Fire Board, who is also the Township Treasurer, has had plans made for a new fire station at the Township Hall. Neither the Fire Board nor the City were made privy to these plans prior to reading about it in the newspaper.
2. Definition of conflict of interest with understandable policy regarding conflict of interest.
3. Administration
 - A. Accounting for donations, purchases, spending, approval by City and Township; limits on budget;
 - B. Length of agreement; monthly report of fire department fund balance to the City and Township.



Page two

4. Volunteer or paid fire firefighters and medical personnel; who controls.
5. Fair and just Township and City funding of the department based upon fire calls, medical calls, mutual aid, etc.

Sincerely,

Harold Schuitmaker

Harold Schuitmaker

HS:pas

Attachment

c: Yemi Akinwale, City Manager

RoxAnn Rodney-Isbrecht, City Clerk

\\PAM\HARTFORD\City Council Ltr 9-2022.wpd

JOHN W. ALLEN

(Tel. 269.491.0056 Email: Jwallen@varnumlaw.com)

Alternative Dispute Resolution, Experience and Training:

Arbitrator:

Arbitration Experience:

American Arbitration Association (AAA)- Certified Arbitrator

- 40+ years' experience
- International Centre for Dispute Resolution (ICDR)
- Commercial Division
- Construction Division
- Uninsured Motorists

FINRA (Financial Industry Regulatory Authority= Certified Arbitrator

- Broker – Customer Disputes
- Broker Expungement Proceedings

Michigan Medical Malpractice (Neutral)

- 3 years' experience (program was terminated)
- 3 panels, all as administrative neutral

Advocate for Party at 30+ Arbitrations.

Arbitration Training:

AAA: Numerous continuing education courses over last 40 years.

2013 Maximizing Efficiency and Economy in Arbitration: Challenges at the Preliminary Hearing;

Michigan ICLE, Masters in Litigation-The Anatomy of a Superstar Deposition: David Boies vs. Bill Gates in U.S. vs. Microsoft, 2012;

AAA Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing, 2011;

Michigan ICLE, Ethics 2011: Meeting Today's Challenges, 2011;

ABA, Ethical Dilemmas, Race and Gender Challenges and the Pitfalls of Practice, 2010;

Michigan ICLE, Ethics Meeting Today's Challenges, 2010; ABA, The Impact of the Recession on Valuation of Assets and Damages in Resolving Complex Disputes, 2009;

Michigan ICLE, Ethics 2009: Dealing with Today's Challenges, 2009;

U.S. District Court for the Western District of Michigan, Advanced/Refresher Mediator Training, 2008;

AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2005;
AAA Arbitrator Ethics & Disclosure (ACE003), 2004;
AAA Annual Arbitrator Update 2002; AAA Construction Arbitrator II Training: Advanced Case Management Issues, 2002;
AAA Construction Industry Arbitrator Training, 1997;
University of Windsor, ADR Training, Ontario, 2001, 2000.

Mediator:

Mediation Experience:

U.S. District Court, W.D. Michigan (Neutral)
Kalamazoo County, Michigan Circuit Court
(Commercial Panel)
Multiple Michigan Circuit Courts
Advocate for Party at 50+ Mediations

Exemplar Mediations as Mediator:

**Case Name: Auto-Owners Ins. Co. v. Lloyd's
Multi-insurer coverage and contract dispute**

Case No. 5:04-CV-0066

Court: U.S. District Court, Western District of Michigan

**Case Name: IN THE MATTER OF RUTH G. CHAMNESS, Deceased
Trust and Estate contest.**

File No. 20031246DE; 20031247TV; 20031248TV

Court: Kalamazoo County Probate Court

**Case Name: Michigan State Housing Development Authority (MSHDA)
vs Clyde L. Alcox, et al.
Condemnation dispute re multiple parcels for airport
improvement.**

Court Case No. 04-1069 CZ

Court: Ingham County Circuit

Mediation Training:

Certified Facilitative Mediator:

- University of Windsor at Toronto, ON, Canada
(Stitt Field Handy Houston)

-(~72 hours instruction, 10+ facilitative mediations)

Michigan Mediation (Evaluative and Facilitative):
-40+ years' experience; 50+ mediation panels
Continuing Education:
- W.D. Michigan, U.S. District Court

PAPERS AND PUBLICATIONS

Lawyers as Healers – Simple Suggestions to Feel Better About Yourself and The Law, (*Michigan Bar Journal*, October, 2001).

ADR and the Invasion of Tort Remedies into Contract, San Antonio, Texas, American Bar Association ADR Section Inaugural Program (Co-Chair and faculty with Francis McGovern and Stephen Susman), April, 1994.

Using ADR in Distributor Terminations, Product Distribution Institute, Chicago, Illinois, October, 1995.

Let the Dodge Brothers Drive You Home – Using the Dodge Act and Facilitative Mediation to Resolve Probate and Trust Litigation, *Michigan Probate & Estate Planning Journal*, Fall, 2002.

I'm Sorry - - Can I Say It? - - Do I Really Mean It? - -The Ethics and Use of Apologies in Dispute Resolution? Apologies in Dispute Resolution—Issues and Ethics,
Chair and Presenter, *ABA Annual Meeting Program*,
San Francisco, August 10, 2003.

19986826.1

JOHN W. ALLEN

John W. Allen is Senior Counsel at Varnum Attorneys, LLP in Kalamazoo, Michigan. He is a graduate of the University of Michigan, A.B. (1969) and J.D. (1972), and has completed the University of Windsor (Stitt Field Handy Houston) ADR Program (2001). He is certified as an Arbitrator by the American Arbitration Association (AAA) and by the Financial Industry Regulatory Authority (FINRA). He is admitted to practice law in all the State and Federal Courts in Michigan, Florida, Indiana, Illinois, Minnesota and Wisconsin, as well as the Federal U.S. Tax Court, U.S. Court of Federal Claims, and the U.S. Supreme Court.

He is a Board Certified Civil Trial Advocate (National Board of Trial Advocacy) and his practice areas are commercial law, family law and trust litigation, and professional responsibility. He is a member of the American Board of Trial Advocates (ABOTA). He is listed in *The Best Lawyers in America*®, and *Michigan Top 100 Super Lawyers* (Litigation and Professional Responsibility). He has completed the Family Law Practice Certificate Program by the Michigan Institute of Continuing Legal Education (ICLE).

Michigan Lawyers Weekly named John as one of the *Top 25 Michigan Leaders in the Law* for 2012.

He also received the 2019 John N. Vlachos Award for Pro Bono Service from Legal Aid of Western Michigan for his more than 40 years of service to *pro bono* clients.

He has served as a member of the Western Michigan University/ Thomas M. Cooley Law School Professionalism Steering Committee.

He currently serves on the ABA Tort Trial & Insurance Practice Section (TIPS) Ethics and Professionalism Committee (Chair, 2002-2004, 2011-2012), and TIPS Liaison to the ABA Commission on Lawyer Assistance Programs (COLAP). He served as the TIPS liaison to the ABA Special Task Force on Attorney-Client Privilege, and the ABA Standing Committee on Lawyer Professional Liability (LPL), and has served as its liaison to the ABA Standing Committees on Ethics and Professionalism. He served as a member of the ABA Ethics 2000 Advisory Group, and on the TIPS Section Governing Council (2004-2007). He serves as the ABA TIPS liaison to the Thomson Reuters (West) Advisory Group, and as liaison to the ABA Commission on Lawyer Assistance Programs (CoLA).

He served as Chair of the Special Workgroup on Attorney-Client Privilege of the Western District of Michigan, Federal Bar Association, and has served as its the President, Treasurer, and Program Chair.

He serves as a Sub-group Chair of the State Bar of Michigan 21st Century Task Force. He co-chaired the State Bar of Michigan Special Task Force on Attorney-Client Task Force (2005-2007). He has served on the Michigan Bar Standing Committee on Professional and Judicial Ethics (the Ethics Committee), and Chaired the Ethics Committee in 1998-2001, and Chaired the State Bar of Michigan Special Committee on Grievance in 2001-2006. He served on the Board of Counselors for the International Centre for Healing and the Law, at the John Fetzer Institute, Kalamazoo, Michigan.

He is a member of the Litigation, Corporation, and Family Law Sections of the State Bar of Michigan, as well as a member of its Finance and Business and Probate and Trust Law Sections and a past member of its Committees on U.S. Courts, Commercial Litigation and Standing Committee on Continuing Legal Education. Mr. Allen is a Fellow of the Michigan State Bar Foundation, a former director of the Kalamazoo Bar Association, and a member of the Michigan Defense Trial Counsel.

Expert Testimony

**Cosmic Building Systems et. al. v Ten-X Plastics LLC et al.*, Kent County, Michigan, 17th Circuit Court Case No. 12-00333-NM; Testimony by Deposition re issues of Conflict of Interest, Duties of Intellectual Property Lawyer before U.S. Patent & Trademark Office (February 27, 2013).

**Reginald E. Spivey v Hettinger & Hettinger, P.C., et al.*, Berrien County, Michigan, Circuit Court Case No. 06-3195 NM T; Testimony by Deposition regarding Duty of Confidentiality, Partnership Duties, Attorneys Liens (April 1, 2008).

- **In re Clayton C.W. Hartman Estate*, St. Joseph County, Michigan, Probate Court Case No. 07-58 DA; Trial Testimony regarding Bank Practices and Conflicts of Interest, Powers of Attorney and Execution of Legal Documents (J. Shumaker) (April 28, 2008).
- **Dykema Gossett, PLLC v Ajluni, et al.*, Wayne County Circuit Court Case No. 02-2046-CK; Trial Testimony (J. Moore) (April, 2004). Jury Verdict Affirmed, 2006 WL 3333852 (Mich. App.).
- * *Thomas E. Marshall, P.C. v State of Michigan, Third Judicial Circuit*, Michigan Court of Claims, Case No. 02-242-MK; Testimony by Deposition/Affidavit (2003).
- ***American Bar Association Corporate Responsibility Task Force Hearings**, Preliminary Report Proposals to Amend the Model Rules of Professional Conduct (Rules 1.6, 1.13, and 4.1), September 20, 2002.
- ***Professional Liability, Discipline and Ethics**: Rules of Professional Conduct; Conflict of Interest Issue. *People of the State of Michigan v. Waterman*, Kent County, Michigan, Circuit Court Case No. 91-56951FH (1996) (J. Johnston).
- ***Estate and Trust Matters**: Validity of documents, estate planning procedures, reasonableness of fees of trustee and other professionals. *In re: Declaration of Trust of Ronald R. Leist*, St. Joseph County, Michigan, Probate Court Case No. 94-2961E (1996) (J. Schumacher). Testimony May 15, 1996.
- ***Legislative - Illinois**: Testimony before Financial Institutions Committees of Illinois State House and Illinois State Senate regarding litigation abuses in collection of commercial loans and claims against financial institutions. Assisted in the enactment of Illinois Credit Agreements Act, 815 ILCS 160/2 (1989).
- ***Legislative - Michigan**: Testimony before Environmental Committee of Michigan State House (Chair, Thomas Alley) regarding adverse effect upon economic development by strict liability provisions of Federal and Michigan Environmental Remediation Laws, House Bill 4770 establishing good faith purchaser exemption (1994).

Papers and Publications

(Some Also Repeated Below as “Presentations”)

PROFESSIONAL LIABILITY, DISCIPLINE AND ETHICS

Ethics of Apologies: I’m Sorry- Can I Say It? Do I Really Mean It? Publication in *The Torch Magazine*, Winter 2021.

NCC-1701: The Joys, and Dangers, of Changing the Law by Advocacy, Sanctions for “Frivolous” Litigation, Michigan ICLE Ethics Update, Novi, Michigan November 20, 2021.

Ethics: Rub ‘O the Green: Intersections of the Rules of Professional Conduct with the Rules of Golf, American Bar Association Tort Trial & Insurance Practice Section (TIPS), Fall Leadership Meeting, Irving, Texas, October 16, 2021.

When Family Gets Complicated- Avoiding Conflicts, Michigan ICLE 7th Elder Law Institute, Virtual Presentation, September 17, 2021.

Who is the Client? Conflict Issues in Estate Planning and Administration, Michigan Probate and Estate Planning Journal, Summer 2021.

Elder Law Ethics, Michigan ICLE 6th Annual Elder Law Institute, Plymouth, Michigan, September 17, 2020.

Ten "Old School" Ways to Enhance Civility, Professionalism and Efficiency in Litigation, *Michigan Bar Journal*, Best Practices, May, 2019.

Uncertainties of Limited Scope Engagements, *Michigan Bar Journal*, March 2018. And Michigan ICLE Annual Ethics Seminar (also Moderator), Ann Arbor, Michigan, November , 2019.

Sidebar with John Allen, *Michigan Lawyers Weekly*, November 2, 2018.

Handling "Informed Consent", Conflicts of Interest, and Motions to Disqualify, Michigan ICLE Annual Ethics Seminar (also Moderator), Plymouth, Michigan, November 2, 2017.

Current Ethical Issues for Family Lawyers, Michigan ICLE Family Law Institute, Novi, Michigan, November 10, 2017.

Just say No! Responding to Florida and Federal Subpoenas for Lawyers and their Files, *"State to State"*, The Florida Bar Out-of-State Division Journal (Summer 2016—floridaoutofstater.org).

Hard to Say I'm Sorry, Apologies in the Lawyer Discipline Process, *Michigan Lawyer's Weekly*, Vol 30, No. 16, February 22, 2016.

Attorney Fee Agreements, Co-Editor, Michigan ICLE, Ann Arbor, Michigan (Book 1st Published 2007; 5th Edition, 2013).

Fees, Conflicts and Fiduciary Duties—Current Ethical Issues for Estate Planners, Michigan ICLE 23d Annual Estate Planning Seminar, Grand Rapids, Michigan, January 23, 2014; Plymouth, Michigan, February 13, 2014.

Ethics of Working with Expert Witnesses, Michigan ICLE Annual Ethics Seminar (Moderator), Plymouth, Michigan, November 6, 2014.

Struggling with Conflicts, Michigan ICLE Annual Ethics Seminar (Moderator), Plymouth, Michigan, November 5, 2013.

Recent Ethics Opinions and Changes to Disciplinary Procedures, Michigan ICLE Annual Ethics Seminar (Moderator), Plymouth, Michigan, November 1, 2012.

The Recipient's Dilemma: Inadvertent Disclosure of Privileged Information, *The Brief*, ABA Tort Trial and Insurance Practice Section, Vol. 41, No. 2, Winter 2012.

Amendments to the Rules of Professional Conduct, Michigan ICLE Annual Ethics Seminar (Moderator), Plymouth, Michigan, November 3, 2011.

Current Ethics Developments: Revisions to Rules of Professional Conduct; Trust Account Management in Time of Bank Failures, Michigan ICLE Annual Ethics Seminar (Moderator), Plymouth, Michigan, November 4, 2010.

Breaking the Bad News to the Court: Disclosing a "Client Problem" without Violating Privilege, Inns of Court, Gerald R. Ford Chapter, Grand Rapids, Michigan, February 2, 2009.

When is Enough, Enough: Informed Consent and the New Model Rules of Professional Conduct, Michigan ICLE Annual Ethics Seminar (Moderator), Plymouth, Michigan, November 13, 2008.

Truth or Consequences: The Increasing Value of Truth in the Practice of Law, American Bar Association National Trial Academy, National Judicial College, Reno, Nevada, April 12, 2008.

Just Say NO!: Responding to Subpoenas for Lawyers and Their Files, Michigan ICLE Course Materials, presented November 15, 2007, Plymouth, Michigan.

Repelling Assaults on the Attorney-Client Privilege, American Bar Association, *ABA TortSource* Vol. 9, No. 4, Summer 2007.

Assault on the Privilege, Presentations to Bar Associations on behalf of American Bar Association (ABA) and State Bar of Michigan Task Forces on Preserving the Attorney- Client Privilege:

- Oakland County Michigan, Bloomfield Hills, Michigan
- Upper Peninsula Bar Associations, Escanaba, Michigan
- Inns of Court, Gerald Ford Chapter, Grand Rapids, Michigan
- Cooley Law School, Pontiac, Michigan

Protecting the Privilege—MRPC 2.4(g) is NOT the Way, *Michigan Bar Journal*, November 2006, Volume 85, No. 11.

Weathering the Perfect Storm—the New Rules of Professional Conduct, *Michigan Defense Trial Counsel Annual Meeting*, Troy, Michigan, December 1, 2006.

Attack on the Privilege—You Could Be Next, Michigan ICLE, Course Materials, November 2, 2006.

The Michigan Rules of Professional Conduct (MRPC) – A "Strict Liability, Quasi-Criminal" Disciplinary Code, Michigan ICLE, Course Materials, November 9, 2004.

The "Perfect Storm" of Michigan Lawyer Ethics and Discipline -New MRPC; New Standards for Sanctions, Michigan ICLE, Course Materials, November 9, 2004.

Walking Through the Minefield – Ethical and Liability Risks in Auditor Response Letters, *The Florida Bar Journal*, January 2003, Volume LXXVII, No. 1.

The Ethics of Practice Management: Avoiding the Perils and Pitfalls, "Whose Money Is It, Anyway?"—Panel Discussion regarding IOLTA and Trust Accounts (Troy, Michigan), November 13, 2001.

Emerging from the Horseshed and Still Passing the Smell Test – The Ethics of Witness Preparation and Testimony, a Presidential Showcase Presentation to the American Bar Association Annual Meeting (Chicago, Illinois), August 4, 2001.

Ownership of Lawyer's Files About Client Representations – Who Gets the "Original"? Who Pays for the Copies? (*Michigan Bar Journal*, Vol. 79, No. 8, August, 2000).

Conflicts of Interest - The Basics (*Michigan Bar Journal*, Vol. 78, Nos. 1 & 2, January and February, 1999).

Ethical Issues in Multi-State Practice, presented to Florida State Bar at the City Bar Association (New York City, New York), December, 1998.

Ethical Problems in Business Law, State Bar of Michigan Business Law Section and Michigan ICLE, January 1995.

Conflict of Laws and Other Ethical Issues in Multi-State Practice, presented to Florida State Bar, The Willard Hotel, (Washington, D.C.), March 1997; and Hart Senate Office Building, (Washington, D.C.), March, 1998 .

Conflicts of Interest and Other Ethical Issues in Multi-State Practice, presented to Florida State Bar, Marriot Marquis Hotel (New York City, New York), December, 1997.

Ethical Problems and Office Practice, presented to State Bar of Michigan, Law Office Practice Continuing Education, 1996 and 1997.

Michigan State of the Law 1996 -- Recent Developments in Ethics, State Bar of Michigan and Michigan ICLE (1996).

Michigan State of the Law 1997 -- Recent Developments in Ethics, State Bar of Michigan and Michigan ICLE (1997).

Developing a New Rule of Professional Conduct Regarding Attorney-Client Sexual Relations: Why Proposed MRPC 1.8(k) is a Bad Idea (*Michigan Bar Journal*, Vol. 76, No. 2, February, 1997).

Ethical Issues -- Panel Moderation, service as moderator to faculty-panel ethical issues discussions in "Arthur Miller-style" format, Michigan ICLE Programs, Deposition Skills Workshops and Trial Skills Workshops.

COMMERCIAL LAW

The Recipient's Dilemma: Inadvertent Disclosure of Privileged Information, *The Brief*, ABA Tort Trial and Insurance Practice Section, Vol. 41, No. 2, Winter 2012.

When Can We Shred This? Ethics and Issues in Document Retention and Destruction, *Institute of Management Accountants (IMA)*, East Lansing, MI., October 24, 2006.

Document Retention and Destruction Issues, *Institute of Management Accountants (IMA) Annual Meeting*, Boston, MA., June 20, 2005.

I'm Sorry -- Can I Say It? -- Do I Really Mean It? -- The Ethics and Use of Apologies in Dispute Resolution? Apologies in Dispute Resolution—Issues and Ethics, Chair and Presenter, *ABA Annual Meeting Program*, San Francisco, August 10, 2003.

Emerging From the Horse Shed and Still Passing the Smell Test – Ethics of Witness Preparation and Testimony, *The Brief*, ABA Tort Trial and Insurance Practice Section, Vol. 32, No. 4, Summer, 2003.

Walking Through the Minefield – Ethical and Liability Risks in Auditor Response Letters, *The Florida Bar Journal*, Volume LXXVII, No. 1, January, 2003.

Let the Dodge Brothers Drive You Home – Using the Dodge Act and Facilitative Mediation to Resolve Probate and Trust Litigation, *Michigan Probate & Estate Planning Journal*, Fall, 2002.

Claims-made Insurance Coverage, *Legalities – Business Digest Magazine*, April 1987.

Documenting the Construction Project -- The Art of Good Recordkeeping, presented to the Michigan Society of Professional Engineers, Marriott Hotel (Southfield, Michigan) April 1992.

Perfecting Security Interests in Mobile Homes (*Michigan Bar Journal*, October, 1980).

Interest Rates in Michigan (*Michigan Bar Journal*, 1981).

Traps to Avoid When Drafting Auditor Response Letters, Co-author, presented to the 1992 American Bar Association Annual Meeting, and published in the *ABA Brief* magazine, Spring 1993.

What Every Commercial Loan Officer Should Know about Consumer Credit -- Spotting the Alligators in the Swamp (American Bankers Association *Compliance Journal*, Vol. 5, No. 1, Winter 1984).

A Survival Guide for Commercial Loan Officers -- More Alligators in the Swamp, Co-author (American Bankers Association *Compliance Journal*, Vol. 11, No. 1, January/Winter 1990).

Identifying, Managing and Preventing Lender/Creditor Liability Claims, presented to the 1990 American Bar Association Annual Meeting, and published in the ABA *Brief* magazine, Vol. 21, No. 1, Fall 1991.

LITIGATION

Evidence in the Trenches, Western Michigan University Thomas M. Cooley Law School, with Professor Victoria Vuletic, Grand Rapids, Michigan, November 29, 2016.

Assault on the Privilege: You Could Be Next, American Bar Association (ABA) Tort Trial and Insurance Practice Section, Task Force on Corporate Governance Institute, New York City, New York, May 3, 2007.

The New Federal E-discovery Rules, *Institute of Management Accountants (IMA)*, East Lansing, MI., October 24, 2006.

Ultimate Trial Notebook, The Care and Feeding of Expert Witnesses, Michigan ICLE, Troy, Michigan, May, 2006.

I'm Sorry -- Can I Say It? -- Do I Really Mean It? --The Ethics and Use of Apologies in Dispute Resolution? Apologies in Dispute Resolution—Issues and Ethics, a Presidential Showcase *ABA Annual Meeting Program*, San Francisco, August 10, 2003.

Emerging From the Horse Shed and Still Passing the Smell Test – Ethics of Witness Preparation and Testimony, *The Brief*, ABA Tort Trial and Insurance Practice Section, Vol. 32, No. 4, Summer, 2003.

Litigating the Commercial Case and Ethical Issues in Commercial Litigation, Co-author, Hardcover (Michigan ICLE, 1992).

Pre-litigation Memoranda: Preserving the Attorney-Client Privilege (*Michigan Financial Institutions Reporter*, 1987).

Trials and Hearings in the Video Courtroom, Co-author (*Michigan Lawyers Weekly*, June 18, 1989).

Scope and Use of Expert Evidence, presented to Michigan Association of Defense Trial Counsel, 1996 Fall Meeting Continuing Education, published at 11 *Michigan Lawyers Weekly* 229 and 248 (December 1996).

The "Duty Defense": Using Expert Witnesses in Commercial Cases, presented to the 1994 American Bar Association Annual Meeting.

Handling Mass Torts in Bankruptcy and as Class Actions Under Federal Rule 23 and Notice to Tort Claimants in Class Actions and Bankruptcy, presented to the 1996 American Bar Association Annual Meeting, WDW Dolphin Hotel (Orlando, Florida).

Even David Had A Plan: Deposition Planning, presented to the Deposition Skills Workshop, Michigan ICLE, January 1995.

The Michigan Law of Tortious Interference, presented to Michigan ICLE, 1995.

CONSTITUTIONAL LAW AND HISTORY

“The Bloodiest of Them All—The Battle of Okinawa-- its Effects on WWII, and on Those Who Were There—and What it Teaches Us,” presentation to *Kalamazoo Torch Club*, May 20, 2021.

Lincoln Did NOT Free the Slaves: Critical Analysis and Its Role in History, *The Torch Magazine*, Spring, 2020.
Presentation to *Kalamazoo Torch Club*, February 2011.

The Northwest Ordinance, or, How to Win a Bet in Any Michigan Bar, *Kalamazoo Torch Club*, March, 2017.

The Kalamazoo School Case, State Bar of Michigan *Legal Milestones*, Dedication Presentation June 21, 2016.

Casablanca: History by Celluloid, *Kalamazoo Torch Club*, September 19, 2012.

Civil Disobedience Requires Penalties, *The Kalamazoo Gazette*, March 10, 2009.

Our Five Constitutions -- Maybe It's Time for Our Sixth, *The Torch Magazine*, Paxton Award Lecture,
September 1980.

The Quadrennial Phoenix -- The Electoral College Strengthens Minorities, *The Kalamazoo Gazette*, November
30, 1976.

Newsroom Searches -- Bergner v. The Stanford Daily, *The Kalamazoo Gazette*, July 9, 1978.

Faculty, Teaching and CLE Instruction

FAMILY LAW - Presentations

Current Ethical Issues for Family Lawyers, Michigan ICLE Family Law Institute, Novi, Michigan, November 10,
2017.

Gray Divorce-Guiding Clients Through Later Life Marital Breakup, Family Law Professionals Meeting,
Grand Rapids, Michigan, September 27, 2016.

PROFESSIONAL RESPONSIBILITY AND OFFICE PRACTICE- Presentations

Uncertainties of Limited Scope Engagements, Michigan ICLE Annual Ethics Seminar (also Moderator), Ann
Arbor, Michigan, November , 2019.

Commenter at Michigan Supreme Court, Proposed changes to Michigan Rules of Professional Conduct.
-*Michigan Lawyers Weekly*, 4/9/12, "The Element of Surprise"

Handling "Informed Consent", Conflicts of Interest, and Motions to Disqualify, Michigan ICLE Annual Ethics
Seminar (also Moderator), Plymouth, Michigan, November 2, 2017.

Policing Lawyer Manners—the Complicated Issues with Civility Codes, American Bar Association Annual
Meeting, Presidential Showcase CLE Program & Webinar, Chicago, Illinois, August 2, 2015.

Fees, Conflicts and Fiduciary Duties—Current Ethical Issues for Estate Planners, Michigan ICLE 23d Annual
Estate Planning Seminar, Grand Rapids, Michigan, January 23, 2014; Plymouth, Michigan, February 13,
2014.

Ethics of Working with Expert Witnesses, Michigan ICLE Annual Ethics Seminar (also Moderator), Plymouth,
Michigan, November 6, 2014.

"Finding Your Own Voice – Ethical Dilemmas, Race and Gender Challenges and the Pitfalls of Practice,"
ABA Annual Meeting, San Francisco, California, August 11, 2013.

"Vengeance is a Dish Best Served Cold: Ethics (and Golf)- The Ethics of Data and Social Media in the New Electronic Age," Texas State Bar Litigation Section, State of Washington Bar Litigation Section, Joint Meeting, Whistler, British Columbia, Canada, July 18, 2013.

Struggling with Conflicts, Michigan ICLE Annual Ethics Seminar (Moderator), Plymouth, Michigan, November 5, 2013.

Recent Ethics Opinions and Changes to Disciplinary Procedures, Michigan ICLE Annual Ethics Seminar (Moderator), Plymouth, Michigan, November 1, 2012.

Amendments to the Rules of Professional Conduct, Michigan ICLE Annual Ethics Seminar (Moderator), Plymouth, Michigan, November 3, 2011.

Current Ethics Developments: Revisions to Rules of Professional Conduct; Trust Account Management in Time of Bank Failures, Michigan ICLE Annual Ethics Seminar (Moderator), Plymouth, Michigan, November 4, 2010.

Ethics 2012: Annual Michigan Ethics Seminar, "Ten Most Common Mistakes in Conflicts Analysis,"
Michigan ICLE (Moderator and Presenter), Plymouth, Michigan, November 1, 2012.

Ethics 2011: Meeting Today's Challenges, Michigan ICLE (Moderator and Presenter), Plymouth, Michigan, November 3, 2011.

2011 Ethics Alert: The New & Revised Rules Every Lawyer Must Know, Michigan ICLE (Moderator and Presenter) Ann Arbor, Michigan, December 13, 2010.

Current Ethics Developments, Michigan ICLE Ethics 2010: Meeting Today's Challenges, (Moderator and Presenter) Plymouth, Michigan November 4, 2010.

Finding Your Voice: Ethical Dilemmas, Race and Gender Challenges and the Pitfalls of Practice, ABA/TIPS, (Moderator) Dallas, Texas, October 14, 2010

Hey! Look What I Found! – Duties of a Recipient of Inadvertently-Disclosed Privileged Information,
Michigan ICLE Ethics 2009: Dealing with Today's Challenges (Moderator and Presenter) Plymouth, Michigan, November 5, 2009.

Duty of Candor in Golf and the Law: Patent Lawyer's Duty of Full Disclosure to the PTO, Grand Rapids Business Journal, January 5, 2009.

When is Enough, Enough: Informed Consent and the New Model Rules of Professional Conduct, Michigan ICLE Ethics 2008: What You Need to Know (Moderator and Presenter), Plymouth, Michigan, November 13, 2008.

Just Say NO!: Responding to Subpoenas for Lawyers and Their Files, Michigan ICLE Annual Ethics Seminar (Moderator), presented November 15, 2007, Plymouth, Michigan.

Five Ways to Improve Your Professional Practice under the Ethics 2000 Changes, ABA Tort Trial and Insurance Practice Section Spring Meeting, Newport Beach, California, May 19, 2007.

Ethical Issues in Multi-Jurisdictional Estate and Income Planning, The Florida Bar Continuing Legal Education Committee and the Florida Bar Tax Section, Tampa, Florida, October 13, 2006.

Ethics 2006: Practical Solutions to Real World Problems, Chair and Moderator, and Presenter, Michigan ICLE, Troy, Michigan, November 2, 2006.

Five Things to Improve Your Practice and Your Loss Prevention, Chair and Moderator, and Presenter, Michigan ICLE, Troy, Michigan, November 29, 2005.

Strangers in a Strange Land – Ethical Issues in a Multi-State Law Practice, Presenter, Florida Out-of-State Practitioners Division, New York, New York, December 3-4, 2004.

Practical Ethics: Staying Out of Trouble, Chair, Moderator, and Presenter, Michigan ICLE, Troy, Michigan, November 9, 2004.

Walking Through the Minefield – Ethical and Liability Risks in Auditor Response Letters, “Cover Your SOX: Writing the New Audit Letter Under Sarbanes-Oxley,” Presentation to the ABA Tort, Trial and Insurance Practice Section Spring Meeting (Napa, California), April 29, 2004.

I'm Sorry -- Can I Say It? -- Do I Really Mean It? --The Ethics and Use of Apologies in Dispute Resolution? Apologies in Dispute Resolution—Issues and Ethics, a Presidential Showcase *ABA Annual Meeting Program*, San Francisco, August 10, 2003.

Attacks, Invectives, and the Mandates of Ethics and Professionalism, American Bar Association Tort Trial & Insurance Practice Section, Emerging Issues in Motor Vehicle Product Liability Litigation, Phoenix, Arizona, March, 2003.

Effective and Ethical Advocacy in Insurance Coverage ADR, American Bar Association Litigation Section and Section of Dispute Resolution, "Insurance Coverage Committee Annual Meeting," Tucson, Arizona, March, 2003.

"Ethics and Your Practice," Chair and Moderator, and Presenter, Michigan ICLE, Troy, Michigan, November 11, 2003.

"Conflicts Avoidance and Preserving the Choice of Counsel," and **"Practical Ethics and Ethical Practices,"** Chair and Moderator, and Presenter, Michigan ICLE, Troy, Michigan, November 19, 2002.

"Top Ten Ways to Avoid a Grievance or Malpractice Claim for Intellectual Property Lawyers," 28th Annual Intellectual Property Law Workshop, Michigan ICLE, Bellaire, Michigan, July 2002.

"Walking Through the Minefield – Ethical and Liability Risks in Auditor Response Letters," Presentation to the Annual Meeting of the Florida Bar (Boca Raton, Florida), June 20, 2002.

"Top Ten Ways to Avoid a Grievance or Malpractice Claim by a Corporate Client," Northwestern University Law School (Chicago, Illinois) March, 2002.

The Ethics of Practice Management: Avoiding the Perils and Pitfalls, "Whose Money Is It, Anyway?"—Panel Discussion regarding IOLTA and Trust Accounts (Troy, Michigan), November 13, 2001.

Emerging from the Horseshed and Still Passing the Smell Test – The Ethics of Witness Preparation and Testimony, a Presidential Showcase Presentation to the American Bar Association Annual Meeting (Chicago, Illinois), August 4, 2001.

"Finding True North – Are We Losing Our Moral Compass?" 7th Annual Spring Professional Seminar (with Webster Hubbell, former Associate Attorney General of the U.S.), Alpena, Michigan, May 10, 2001.

"Attorney-Client Privilege and the Corporate Client," State Bar of Michigan (Business Law Section: Commercial Litigation Committee; In-House Counsel Committee), Novi, Michigan, March 20, 2001.

"Staying Out of Trouble – Ethical Rules for an Effective Practice," Michigan ICLE, Troy, Michigan, November 15, 2000.

Building Ethics and Professional Responsibility into Your Practice, Michigan ICLE, Troy, Michigan, October, 1998.

Drafting Client Engagement Letters and Fee Agreements in Business Disputes and Transactions, Michigan ICLE, Troy, Michigan, February, 1996.

Ethics and Professionalism, State Bar of Michigan Continuing Legal Education, 1994 to Present.

Ethics and Professional Responsibility Practice, Michigan ICLE, 1998 to Present.

Ethics and Office Practice, State Bar of Michigan Continuing Legal Education, 1998 and 1999.

COMMERCIAL LAW

The Ethics of Social Media in the New Electronic Age, *International Association of Defense Counsel (IADC)*, Asheville, NC, July 12, 2012.

When Can We Shred This? Ethics and Issues in Document Retention and Destruction, *Institute of Management Accountants (IMA)*, East Lansing, MI., October 24, 2006.

Document Retention and Destruction Issues, *Institute of Management Accountants (IMA) Annual Meeting*, Boston, MA., June 20, 2005.

Doing Business in the U.S. (A Tutorial for Canadian Businesses), St. Catherine's, Ontario, Michigan and Kalamazoo Chambers of Commerce, September, 1997.

Business Recordkeeping and Claims Management for Securities, Insurance and Financial Industry Businesses:

*Robert Morris Associates Programs, 1992 - 1997.

*North Dakota Bankers Association.

*South Dakota Bankers Association.

*Ohio Valley Bankers Association.

*Missouri Bankers Association.

*Michigan Bankers Association.

Anti-trust Issues Affecting Cable Television, Independent Cable Owners Association, Kansas City, Missouri, May, 1993.

Unfair Competition, Kalamazoo, Michigan, 1995.

Expert Witness - Business Aspects, Environmental Consulting Practice Seminars, Western Michigan University, 1993-1997.

ADR and the Invasion of Tort Remedies into Contract, San Antonio, Texas, American Bar Association ADR Section Inaugural Program (Co-Chair and faculty with Francis McGovern and Stephen Susman), April, 1994.

Using ADR in Distributor Terminations, Product Distribution Institute, Chicago, Illinois, October, 1995.

Identifying, Managing and Defending Creditor Liability Claims, Boston, Massachusetts, American Bankers Association, June, 1988.

Lender Liability, Grand Rapids, Michigan, Michigan Bankers Association Consumer Credit Conference, September, 1988.

Consumer Credit Compliance, Muskegon, Michigan, National Association of Bank Women, May, 1988.

Problem Loans in Michigan, Grand Rapids, Michigan, National Business Institute, July, 1989.

Managing Liability Claims for Financial Institutions, Toledo, Ohio, Bank Administration Institute, May, 1989.

Business Recordkeeping for Insurance-Related Issues, Olivet, Michigan, Michigan Council of Insurance Women, January, 1991.

LITIGATION

Tenth Annual National Trial Academy 2010, ABA/TIPS and ABOTA, Facilitator, Reno, Nevada, April 17-21, 2010.

Meeting and Resolving Diversity Issues in Litigation –an Interactive Program, Michigan ICLE Litigation Bootcamp, Plymouth, Michigan (March 2008) and Grand Rapids, Michigan (May 2008).

Ten Steps to Earning and Keeping a Good Reputation as a Trial Lawyer, ABA TIPS/ABOTA National Trial Academy, National Judicial College, Reno, Nevada, March 2008.

Masters in Litigation: Clarence Darrow, Crimes, Causes and the Courtroom, Chair Ethics Panel, Michigan ICLE, Plymouth, Michigan, October 30, 2007.

The Care and Feeding of Expert Witnesses, Michigan ICLE Ultimate Trial Notebook, Troy, Michigan, May, 2006.

Attacks, Invectives, and the Mandates of Ethics and Professionalism, American Bar Association Tort Trial & Insurance Practice Section, Emerging Issues in Motor Vehicle Product Liability Litigation, Phoenix, Arizona, March, 2003.

Effective and Ethical Advocacy in Insurance Coverage ADR, American Bar Association Litigation Section and Section of Dispute Resolution, "Insurance Coverage Committee Annual Meeting," Tucson, Arizona, March, 2003.

Federal Trial Practice (Hillman Institute, Western District of Michigan), (1998, 1999, 2001, 2002, 2003.)

Trial Advocacy Skills Workshops, The Advocacy Institute, Michigan ICLE, Ann Arbor, Michigan, 1988 - 2002. (Topics and Demonstrations: Opening, Closing, Direct, Cross, Experts, Jury Selection, Exhibits, Ethics and Professionalism.)

31st Annual Intellectual Property Law Workshop, Michigan ICLE, Mackinac Island, Michigan, July, 2005.

28th Annual Intellectual Property Law Workshop, Michigan ICLE, Bellaire, Michigan, July 2002.

25th Annual Intellectual Property Law Workshop, Michigan ICLE, Acme, Michigan, July, 1999.

Civil Litigation Institute, Michigan ICLE, Ann Arbor, Michigan, June, 1999.

How to Win Your First Jury Trial, Michigan ICLE, Troy, Michigan, 1998-1999.

Jury Persuasion, Michigan ICLE, Troy, Michigan, March, 1997.

Creative Use of Expert and Non-expert Opinion Evidence in Commercial Tort Claims: "The Duty Defense,"
New Orleans, Louisiana, August, 1994, American Bar Association Annual Meeting.

UNIVERSITY TEACHING

Motions in Limine and Rules of Evidence, Western Michigan University Thomas M. Cooley Law School, with Professor Victoria Vuletich, Grand Rapids, Michigan, March 28, 2017.

Evidence in the Trenches, Western Michigan University Thomas M. Cooley Law School, with Professor Victoria Vuletich, Grand Rapids, Michigan, November 29, 2016.

Constitutional History (United States and British), University of Michigan, College of Literature, Science and the Arts, Department of History, 1969-1972. (Lecture Responsibility: U.S. Constitutional Convention of 1787; British, Reign of Henry II.)

Commercial Law, Western Michigan University, College of Business, Department of Law and Finance, 1975-1983, (Contracts, Agency, Commercial Paper, Anti-trust and Trade Regulation, Real Estate.)

Professional and Bar Association Activities

John N. Vlachos Award for Pro Bono Service- 2018 (Legal Aid of Western Michigan)
-Sidebar with --, *Michigan Lawyers Weekly*, 11/5/18.

Top 25 Michigan Leaders in the Law (Michigan Lawyers Weekly).

Best Lawyers in America.

Top 100 Michigan Super Lawyers.

Michigan Super Lawyers Corporate Counsel.

Michigan Supreme Court Advocates Guild.

Editorial Advisory Board, West Publishing/Lawyers Cooperative, Thomson Legal Publishing (1995 - 2000).

American Bar Association.

*Liaison Member, ABA Special Task Force on Attorney-Client Privilege

*Liaison Member, ABA Professionalism Committee

*Liaison Member, ABA Standing Committee on Lawyer Professional Liability

*ABA Day in Washington Delegation, 2007

*Torts Trial and Insurance Practice Section (TIPS).

- Section Council (2004-2007).

-Professionalism & Ethics Committee (1999-Present). Chair (2002-2004, 2011-2012).

-TIPS Liaison to ABA Commission on Lawyer Assistance Programs (COLAP)

-TIPS Liaison to ABA Professionalism Committee

-Corporate Counsel Task Force.

- Financial Services Integration Committee (1999-2002)
- Intellectual Property Law Committee.
- Long Range Planning Committee (1997-1999).
- Emerging Issues Committee (1994-1996).
- Chair, Commercial Torts Committee.
- *Litigation Section.
- *ABA Center for Professional Responsibility.
- *ABA Ethics 2000 Advisory Committee.

Florida Bar Association.

- *Out of State Practitioners Division (OOSPD) (1995-Present).
 - Division Council; Secretary and Treasurer (1995-1998).
 - Chair, Multi-state Practice Committee (1997-1998).
- *Multiple CLE presentations in Florida and to Florida Bar in New York City.

State Bar of Michigan.

- *21st Century Task Force, Lawyer Regulation, Advertising & Scope of Engagement (2015)
- *Co-chair, Special Task Force on Attorney-Client Privilege (2006- 2007).
- *Special Committee, Grievance – Chair (2001-2006).
- *Standing Committee, Professional and Judicial Ethics – Chair (1998-2001).
- *Multi-Disciplinary Practices (MDP) Committee (2000-2002).
- *Past Member, Committees on Federal Courts; Commercial Litigation; Mandatory Continuing Legal Education.

Federal Bar Association.

- *Western District of Michigan, Board of Directors. President (2005-2006). VP, Operations (2001-2003). Treasurer (2003-2004).
- *Western District of Michigan Bench/Bar Conference Invitee.
- *Sixth Circuit Bench/Bar Conference Invitee.

Michigan Association of Professional Responsibility Lawyers.

Michigan Association of Defense Trial Counsel.

Defense Research Institute.

Michigan State Bar Foundation - Fellow.

CONTACT:

John W. Allen (jwallen@varnumlaw.com)
 Varnum LLP
 211 East Water Street, Suite 400
 Kalamazoo, Michigan 49007
 And

999 Vanderbilt Beach Road
 Suite 210
 Naples, FL 34108

Mobile: 269.491.0056

16372608