

PROFESSOR: *Moran expressed gratitude*

From Page 1

know who committed the murders. Bates denied the coercion, and Hill was convicted of the two murders, even though there was no other evidence that he was at the scene, much less that he was the shooter.

Approximately 12 years later, Hill learned of the MIC and submitted his case, asking Moran and the students at Michigan Law for help. Over the next few years, the clinic uncovered four new pieces of evidence for Hill's case that proved his innocence, implicated another man as the real killer, and discredited Bates (who was convicted of multiple bank robberies one year after Hill's trial). In October of this year, he was freed from prison, and his convictions were vacated.

After outlining Hill's case, Moran gave him the floor.

"It was a long, hard journey, those almost 23 years in prison," Hill told the audience. "I can't explain what was going through my mind all those years. But the day I walked into that place, I told myself I'd be walking out someday."

He continued, "Dave and the Michigan Innocence Clinic spent countless hours working on my case, and, at times, they believed in me more than I believed in myself. Without this school, I would still be in that place. I'm happy to be home, and I look forward to being a productive, tax-paying citizen, living a good-quality life, and enjoying the best of everything. I want to be an example for the hundreds of men still in there, those who are denied due process and equal justice, those who are innocent but haven't had the opportunity I have."

Moran closed his final lecture by expressing gratitude to Michigan Law, Jenna Cobb—who now serves as MIC's co-director, alongside Imran Syed, '11—and the students with whom he has worked in the clinic.

"It has been the joy of my life to co-found this clinic, see it flourish, and know that this work will continue without me," said Moran. "So, I am riding off into the sunset on my cross-country skis—I'm mixing metaphors, but I thank all of you for this award."

SUBWAY: *Penny decided not to testify*

From Page 3

taught chokehold "modified as a simple civilian restraint." The defense lawyers contended that Penny didn't consistently apply enough pressure to kill Neely, and they brought their own forensic pathologist to the stand to buttress their claim.

Contradicting the city medical examiner's ruling, the defense pathologist said Neely died not from the chokehold but from the combined effects of K2, schizophrenia, his struggle and restraint, and a blood condition that can lead to fatal complications during exertion.

Penny decided not to testify.

But several of his relatives, friends and fellow Marines did, describing him as an upstanding, patriotic and empathetic man.

"He was always a very calm, soft-spirited person," sister Jacqueline Penny told jurors.

Prosecutors never accused Penny of deliberately killing Neely. The eventually dismissed manslaughter charge required proving a defendant recklessly caused another person's death. Criminally negligent homicide involves engaging in serious "blameworthy conduct" while not perceiving such a risk.

While the criminal trial played out, Neely's father filed a wrongful death suit against Penny.

RELIABILITY: *Rivian has new electric models*

From Page 2

huge changes when updating or unveiling new vehicles, Fisher said. Instead of going with new engines or transmissions, Subaru carries parts over from the prior generation.

"They don't fix what's not broken," he said. "They continue to refine their products, and because the products perform quite well, they don't have to have big changes."

Rivian, Fisher said, is a new company with new electric models that have more glitches. Since the company is a startup, it can't use proven powertrains from prior generations yet. "It's expected that

you're going to have issues when you have nothing to carry over" from previous model years, he said.

The survey found that the gas-powered Toyota RAV4 small SUV was the most reliable vehicle, followed by the Toyota Corolla compact car. The RAV4 Prime plug-in hybrid was third, followed by the RAV4 gas-electric hybrid, Fisher said.

Consumer Reports' survey of its subscriber base does not represent all vehicle purchasers in the U.S. or the population that buys specific vehicle types. The survey results were released at a meeting of the Automotive Press Association of Detroit.

CAVAIANI: *Be loving and kind to everyone*

From Page 1

thoughts and feelings to that person and because of this I become a more loving and caring person and we both then become more loving and kinder. What a blessed journey to be loving and kind to everyone.

Fred Cavaiani is a licensed marriage counselor and psychologist with a private practice in Detroit. He is the founder of Marriage Growth Center, a consultant at the Detroit Medical Center, and conducts numerous programs for groups throughout South Michigan.

Political Scene

Submit news & views to bcox@legalnews.com

WASHINGTON

In promising to shake up Washington, Donald Trump is in a class of his own *Trump's plans for the federal government blend conservative ideology with his personal vendettas*

By CHRIS MEGERIAN
Associated Press

WASHINGTON (AP) — In the history of American politics, there's no shortage of presidents who promised to shake up Washington once they got to the White House. But Donald Trump may prove to be in a class of his own, and he appears more interested in beating the federal government into submission than recalibrating it.

In staffing his administration, Trump has shown an inclination to select people who distrust or even disdain the agencies that they've been chosen to lead, setting up a potential war of attrition between the incoming Republican president and American institutions.

"There's been nothing like what Trump is suggesting to do," said Doug Brinkley, a presidential historian. "We're talking about dismantling the federal government."

Trump's approach will become even clearer this week as Kash Patel, his choice for FBI director, heads to Capitol Hill for an initial round of meetings with senators who will decide whether to confirm him to the post. A former national security official who has branded himself as an eager acolyte of Trump, Patel has talked about shutting down the agency's headquarters, splitting up its responsibilities and targeting Trump's perceived enemies.

Greg Brower, a former U.S. attorney who served as the FBI's top congressional affairs official, said Trump seems to want to make the nation's law enforcement institutions "part of his political operation run out of the White House."

"That's a major course change that I'm just not sure a majority of senators are willing to endorse," Brower said.

Republican senators are already considering whether to support Pete Hegseth, whom Trump wants to lead the Pentagon, despite allegations of sexual misconduct, excessive drinking and financial mismanagement. Hegseth is an Army veteran and former Fox News commentator who has described the military as "the most important institution in our country."

women from combat roles. Karoline Leavitt, a spokesperson for Trump's transition team and the incoming White House press secretary, said the next administration wants to "shatter the Deep State," a term for entrenched civil servants who have frustrated Trump and his allies.

"President Trump was re-elected by a resounding mandate from the American people to change the status quo in Washington," she said in a statement. "That's why he has chosen brilliant and highly-respected outsiders to serve in his Administration, and he will continue to stand behind them as they fight against all those who seek to derail the MAGA Agenda."

Margaret Spelling, who served as education secretary under President George W. Bush, said it is "probably not a good management style" to treat government employees as adversaries.

"If you're going to turn the tide or redirect the ship of state, you've got to have help doing it," she said. "And that's people who work there already."

Spelling's former department could be outright eliminated if Trump has his way. His choice of education secretary, Linda McMahon, has never worked in the field. She served for one year on the Connecticut Board of Education and is a member of the board of trustees at a private university. McMahon lead the Small Business Administration during Trump's first term, and she made a name for herself by running World Wrestling Entertainment, a cultural juggernaut that features musclebound men beating each other up in elaborately scripted fights.

Trump's plans for the federal government blend conservative ideology, which has long viewed Washington as too intrusive in Americans' daily lives, with his personal vendettas. After being plagued by investigations and contradicted by career officials during his first term, the returning president has no interest in a replay and he's more skeptical of insider views that clash with his own instincts.

In staffing his administration, Trump has shown an inclination to select people who distrust or even disdain the agencies that they've been chosen to lead.

used during the coronavirus outbreak, to run the National Institutes of Health, the country's top medical research agency.

In other areas of government, loyalty has often been prized over expertise. Lee Zeldin, a former New York congressman, never served on any committees dealing with the environment during nearly a decade on Capitol Hill. Now he's on deck to lead the Environmental Protection Agency.

Brinkley said it's not uncommon to have presidents attempt to change how Washington works. Richard Nixon tried to circumvent government agencies by centralizing decision-making in the White House, and Warren Harding stocked his Cabinet with business leaders.

But Brinkley said Trump's approach is more venomous, and he seems to be setting up his staff to compete to be the most zealous.

"It's got a gladiator feel," he said. "They each want to show that they've got a scalp to punish the so-called deep state, the legacy media or the Democratic Party."

Another way that Trump is taking on Washington is the Department of Government Efficiency, an independent advisory organization that will be run by Elon Musk and Vivek Ramaswamy.

Musk, the world's richest man, and Ramaswamy, an entrepreneur, plan to provide ideas on dramatically reducing federal spending and cutting the government workforce. They also said Trump should sidestep Congress whenever possible, setting up a potential constitutional clash.

Theda Skocpol, a Harvard University professor of government and sociology, agreed that Americans are often doubtful about Washington's effectiveness.

"But it doesn't mean there's going to be an easy path to eliminating entire departments or functions of government because people will realize they have the stakes in those things," she said.

However, Skocpol said, chaos might be the actual goal.

"Parts of American conservatism have been trying to make government a mess when they control it, and then use it as an excuse to do whatever they want."

RAM: *Arbitration clause is a flexible roadmap for dispute resolution*

From Page 1

industry, effectively eliminating most qualified arbitrators from consideration. Another clause limited document discovery to 10 pages per party, which proved insufficient for resolving the case's intricate financial disputes. This illustrates that balance is key—drafting a clause that is thorough yet practical.

A notable example emphasizing the importance of clarity in arbitration agreements is the U.S. Supreme Court case *Henry Schein, Inc. v. Archer & White Sales, Inc.* In 2019, the Court examined whether courts could bypass an arbitration agreement if the request to arbitrate was deemed "wholly groundless." The Court ultimately ruled that when parties have explicitly delegated the question of arbitrability to an

arbitrator, courts must honor that delegation—even if they believe the arbitration claim lacks substance. This landmark decision accentuates the critical need for precision when drafting arbitration clauses to ensure enforceability and uphold party autonomy.

Drafting tip: Think beyond the basics

The beauty of arbitration lies in its flexibility, and your clause should take full advantage of this. For instance, a tech company facing potential intellectual property disputes might include a clause specifying that arbitrators must have expertise in patent law. Businesses in highly regulated industries such as finance, healthcare, or technology, often go a step further to double-protect sensitive information by

including explicit confidentiality clauses in their arbitration agreements. While arbitration is generally perceived as private, these additional provisions ensure that every aspect of the process, including proceedings, evidence, and outcomes, remains strictly confidential. The arbitration clause: a gateway to streamlined dispute resolution, not just a contract filler. It is a roadmap for dispute resolution. Take the time to tailor it to your specific needs and anticipate potential conflicts. By doing so, you can avoid the pitfalls of vague or overly complex clauses and ensure a smoother arbitration process. As the old adage goes with a clever twist, "An ounce of arbitration is worth a pound of litigation." In the context of arbitration agreements, a few extra hours spent drafting an effective clause can

save months of frustration later. Stay tuned for next month's installment, where we will delve into the intricacies of "Initiating Arbitration: Filing the Demand and Response." A guide on how arbitration is formally initiated, the filing process, timelines, and the Respondent's role in answering the claim.

Harshitha Ram is an international disputes attorney, arbitrator, mediator, lecturer in law, and the President of the Global Arbitration Mediation Academy (GAMA). She serves as the Chair of the ADR Section of the Detroit Bar Association and is the Publications Chair for the Arbitration Committee of the American Bar Association. To learn more or connect with her, visit: www.harshitharam.com or www.adracademy.us.

THE BAD NEWS:
Kidney Disease Is Killing 100,000 Americans A Year.

THE GOOD NEWS:
Early Detection Can Save Lives.

Learn the early warning signs of kidney disease:

- High blood pressure
- Pain in small of back
- Puffy eyes, swollen hands and feet
- Bloody urine
- Burning during urination
- More frequent urination

NKF National Kidney Foundation™

