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Vol. CXXX, No. 26

Wednesday, February 5, 2025

75 Cents

DAILY BRIEFS

'Effective and Efficient Billing Techniques' covered in webcast

American Law Institute Continuing Legal Education will present the webcast "Time Well Spent: Effective and Efficient Billing Techniques" on Tuesday, February 18, from noon to 1 p.m.

Billing is inevitable yet so few attorneys understand how to capture and count more of their time every day. This billing CLE, taught by attorney Molly Kremer, The Billing Coach, will teach real-world strategies for contemporaneous timekeeping.

The Billing Coach will teach attorney what they need to know to master timekeeping, including:

- What is Billable Time? Demystify the concept of billable time so you can gain clarity on which legal tasks qualify so you can quit "confusion cutting" your time - for good. Avoid underbilling and ensure your work is valued appropriately

- Reconstructing vs. Contemporaneous Timekeeping Models: Understand the strengths and pitfalls of reconstructing time at the end of the day, week, or month versus the "gold standard" of billing: contemporaneous timekeeping. Learn unique strategies and practical tips to ensure more accurate timekeeping all while minimizing the daily stressors associated with billing.

- Overcoming Obstacles to Effective Billing: Address the all-too-common challenges of perfectionism, procrastination, people pleasing, and time management pitfalls that lead so many attorneys to cut or underbill some of their time.

- Strategies for Self-Disciplined Time Entry: Learn practical strategies and techniques for effortless contemporaneous timekeeping - even while multitasking - to confidently decide how to allocate and prioritize your time, ensuring alignment with client expectations, ethical obligations, and firm profitability

- Rules of professional conduct compliance. Avoid the possibility of having your billing habits run afoul of significant ethical rules pertaining to poor timekeeping habits.

All registrants will receive a set of downloadable course materials to accompany the program including the Billing Coach's Billing Blueprint to help attorneys more creatively justify more of their billable time.

Cost for the webcast is \$199. To register, visit www.ali-cle.org.

Winter Networking Event hosted by JBAM, Feb. 27

The Jewish Bar Association of Michigan (JBAM) will host a Winter Networking Event on Thursday, February 27.

Participants can gather from 5:30 to 7:30 p.m. at The Corner located at 344 W. Nine Mile Rd. in Ferndale.

This event includes food and a free drink ticket, sponsored by Lipton Law. To register for the event, visit www.jewishbar.org and click on "events."

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Michigan Supreme Court rules franchise fee agreement is tax that violates Headlee Amendment

By BEN SOLIS
Gongwer News Service

The Michigan Supreme Court on Monday ruled that a franchise fee collection agreement between the city of East Lansing and the Lansing Board of Water and Light was a tax unapproved by voters and, because the fee was imposed for a general revenue purpose, it violates the Headlee Amendment.

The high court therefore reversed the Court of Appeals' dismissal of the complaint and affirmed the Ingham Circuit Court's holding in *Heos v. City of East Lansing* (MSC Docket No. 165763).

The case involved a plaintiff who initially argued that fee was an impermissible tax imposed in violation of the Headlee Amendment and the Foote Act.

The trial court granted partial summary disposition to the plaintiff when the city argued the complaint was time barred by the statute of limitations.

The Court of Appeals reversed that decision and held the complaint was time barred. The high court was asked to determine whether the criteria for determining when a pass-through fee imposed by a local government on a business or utility should be considered a tax paid by a customer; and whether, in the context of a utility rate, a utility customer may challenge an improper pass-through fee as an improper rate in an action against the utility, among several other questions.

Greg Hanley, attorney for the BWL ratepayer James Heos, told justices during oral arguments that Headlee often forces local governments to make a simple but difficult choice in asking for more revenues in the form of taxation. Sometimes, Hanley said, municipalities have an incentive to evade the constitutional limitations created by Headlee by characterizing disguised taxes as fees, permits or licenses.

Laura Genovich, representing the city of East Lansing, told the justices during oral arguments the city disputes that this is a tax, at all, but that the taxpayer was the entity ultimately legally liable for the charge, and here, that was the Board of Water and Light.

In an opinion written by Justice Brian Zahra - joined by Justice Megan Cavanagh, Justice Elizabeth Welch and Justice Kyra Harris Bolden, the majority in *Heos* ruled that a municipality cannot circumvent the Headlee Amendment by enlisting a cooperative nongovernmental entity to accept the imposition of a franchise fee with the sole understanding that the entity would, in turn, be required to collect the fee from taxpayers and remit the revenue to the municipality.

"There is no question that the fee would be an illegal tax if the city imposed the charge directly on its residents,"

DOMESTIC ARBITRATION

Selecting the Arbitrator — Process and Considerations

By HARSHITHA RAM



This is the fourth article in a 12-part series on domestic arbitration, offering a clear guide through each stage of the process. In this installment, "Selecting the Arbitrator: Process and Considerations" we explore arbitrator selection process, qualifications to look for, and how parties can agree on a neutral arbitrator. Stay tuned for Part 5: "Preliminary Hearing: Setting the Stage for Arbitration" coming next month.

Arbitration is only as good as the arbitrator chosen to decide the dispute. The selection of the right arbitrator is a critical step in ensuring a fair, efficient, and effective resolution of business disputes. Unlike litigation, where a judge is assigned to the case, arbitration offers parties the opportunity to select their decision-maker. This flexibility comes with strategic considerations and procedural nuances that parties must navigate carefully.

Why selection matters

An arbitrator functions much like a private judge, responsible for making decisions on both procedural and substantive issues in a dispute. They weigh evidence, interpret contracts or laws, and render a final, binding (or sometimes non-binding) award. The arbitra-

tor's expertise, impartiality, and decision-making approach are critical, as they directly influence the outcome of the arbitration process. Selecting the right arbitrator can mean the difference between a streamlined, well-managed resolution and a contentious, drawn-out ordeal. For instance, in a dispute between a tech company and a software vendor over a failed project, an arbitrator with a strong background in IT contracts and project management can efficiently assess technical evidence, interpret complex agreements, and deliver a fair resolution. In contrast, an arbitrator lacking such expertise might struggle to grasp the nuances, leading to delays, higher costs, and a less satisfactory outcome. Selecting the right arbitrator is thus critical to ensuring a streamlined, well-managed process and a just result.

Approaches to selecting an arbitrator

The selection of an arbitrator depends on the arbitration agreement, the governing rules, and the preferences of the parties. In many commercial disputes, parties may mutually agree on a sole arbitrator, either directly or through a list exchange process. A well-drafted arbitration clause often includes specific provisions on arbitrator selection, reducing uncertainty in the event of a dispute. For larger disputes, a three-member tribunal is often used, where each party appoints one arbitrator, and the two selected arbitrators then choose the presiding arbitrator. This method ensures both parties have input while maintaining neutrality. If parties cannot agree, institutional appointment may be

necessary. The rank-and-strike method is a common approach used in institutional arbitration for appointing arbitrators. In this process, each party receives a list of potential arbitrators from the institution and ranks them in order of preference. The parties then "strike" (remove) a certain number of candidates they find unacceptable. The institution reviews the remaining candidates and appoints the arbitrator with the highest combined ranking. This method balances party autonomy with institutional oversight, ensuring a fair and mutually acceptable selection while maintaining efficiency in the arbitration process. In rare cases where parties fail to reach an agreement and the arbitration clause lacks clarity, courts may intervene to appoint an arbitrator. While judicial appointments are uncommon, they emphasize the importance of drafting precise arbitration clauses to preserve party autonomy and avoid unnecessary court involvement.

Critical factors in choosing the right arbitrator

When selecting an arbitrator, parties must carefully evaluate several critical factors to ensure a fair and efficient resolution. Expertise and industry knowledge are paramount, as arbitrators with subject-matter proficiency can navigate complex disputes more effectively. For instance, a construction dispute may benefit from an arbitrator with engineering experience, while financial services disputes require deep knowledge of securities regulation. Equally important is legal

See **ARBITRATOR**, Page 12

ACLU sues U of M over campus bans for pro-Palestinian protesters

By JOEY CAPPELLETTI
Associated Press

LANSING, Mich. (AP) — Jonathan Zou, a second-year student at the University of Michigan, was among the thousands of students who joined pro-Palestinian protests on university campuses nationwide this past year. Although the campus protests have subsided, the repercussions for students like Zou remain.

Since his arrest by university police last Oct. 7 after using a megaphone during a pro-Palestinian march, Zou has been banned from all University of Michigan campuses, except for attending class or seeking medical care.

Zou is one of five individuals facing

similar bans who the American Civil Liberties Union is representing in a lawsuit that accuses the University of Michigan of violating their right to free speech. The lawsuit, filed Monday by the ACLU in federal court, also argues that the university "abused its authority to ban people from public property."

"The university says it appreciates this history of activism, but it will arrest students, ban students, surveil students and repress them through legal or school disciplinary means," Zou said in an interview before the lawsuit was filed.

In response to a request for comment, a University of Michigan spokesperson said the university has not been served with the lawsuit and has no

comment at this time.

Pro-Palestinian demonstrations swept college campuses last spring, with activists setting up tent encampments and, in some cases, escalating their protests further. Thousands were arrested; while many had their cases dismissed, others remain in legal limbo as they pursue their education.

On Wednesday, President Donald Trump signed an executive order calling for aggressive action to fight anti-semitism on college campuses and promising to prosecute offenders and revoke visas for international students found to be what he called " Hamas sympathizers."

See **PROTESTERS**, Page 12

Local Voice

BERL FALBAUM

Critics distorted the reality of his accomplishments

If anyone has been the victim of the expression "perception is reality" it is Joseph Robinette Biden Jr.

While independent analysts, historians and scholars, generally give Biden high marks for his performance as president, he left office with a disapproval rating hovering around 60 percent, the lowest in his four-year presidency.

This despite the fact that in foreign affairs: He united NATO as never before; provided Ukraine with a lifeline for its war with Russia; sent \$7.9 billion of military aid to Israel and even convinced Arab nations to join the U.S. in shooting down missiles launched against Israel by Iran; and left office a few days after he helped facilitate a ceasefire between Hamas and Israel.

On the legislative side of the ledger, without having a majority in Congress, he was second to none (expect perhaps FDR and LBJ) in having bills adopted, many passed with bipartisan support. Here are just a few of the major ones:

- Congress passed a \$1.2 trillion infrastructure bill that financed new bridges, roads, airports, public transport, national broadband internet, and energy systems.

- Launched a federal program, the American Rescue Plan, that resulted in more than 500 million Americans getting COVID vaccinations.

- Managed to pass the Safer Communities Act, the first gun safety measure adopted in decades. It expanded background checks while financing youth mental health programs and tightened firearms regulations.

- Won approval for the \$369 billion Inflation Reduction Act of 2022 for environmental programs. He also he rejoined the Paris Agreement which works to combat climate change and from which Donald Trump exited. Unrelated, the act also capped prescription drug prices at \$2,000 per year for seniors.

While some sectors of the economy remained problematic, particularly the deficit, the economy was strong. The annual rate of inflation slowed in the Biden years to under 3 percent and is now near pre-pandemic levels. The GDP was 2.5 percent in 2022, 2.9 percent in 2023, and 3 percent in Biden's final year in office. The U.S. added 16.6 million jobs (some lost during the pandemic) under Biden. The jobless rate stood at about 4 percent while real wages also rose, and the stock market performed at record levels.

And violent crime, despite Republican claims to the contrary, the FBI has reported that crime was down in all parts of the country.

No, Biden was not flawless. Ignoring advice from his military, he botched — badly — the withdrawal from Afghanistan. The image of Afghans running for their lives under a plane taking off was all too reminiscent of people hanging from helicopters while trying to escape from Saigon at the end the Vietnam War.

He also mishandled the pardon of his son, Hunter, which, while not a national or foreign policy matter, will tarnish his legacy.

This is not to suggest that I believe he should have run again. Indeed, in February 2024, I reluctantly called for him to step aside, four months before his disastrous debate performance in June. I argued that I had concerns about his age (he turned 82 last November) making him more susceptible to physical and mental decline. He acknowledged as much when he said in January, "So far, so good, but who knows what I'm going to be when I'm 86 years old?"

Finally, while the charges of Biden's mental acuity decline were endless, the

See **FALBAUM**, Page 12

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

Money Matters

Trump orders creation of U.S. sovereign wealth fund

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Legal View

Trump inherits Guantanamo prison, complete with 4 'forever prisoners'

Page 3

Legal Affairs

Trump can learn lessons from Andrew Jackson's resistance to sycophants

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LEGAL NOTICES

(Continued from Page 11)

Fourth Insertion

the property during the redemption period.

Attention homeowner: If you are a military service member on active duty, if your period of active duty has concluded less than 90 days ago, or if you have been ordered to active duty, please contact the attorney for the party foreclosing the mortgage at the telephone number stated in this notice.

This notice is from a debt collector.
Date of notice: January 15, 2025
Trott Law, P.C.
31440 Northwestern Hwy, Suite 145
Farmington Hills, MI 48334
(248) 642-2515

1550438

(01-15)(02-05)

Notice of Foreclosure by Advertisement
Notice is given under section 3212 of the revised judicature act of 1961, 1961 PA 236, MCL 600.3212, that the following mortgage will be foreclosed by a sale of the mortgaged premises, or some part of them, at a public auction sale to the highest bidder for cash or cashier's check at the place of holding the circuit court in Wayne County, starting promptly at 11:00 AM, on February 13, 2025. The amount due on the mortgage may be greater on the day of sale. Placing the highest bid at the sale does not automatically entitle the purchaser to free and clear ownership of the property. A potential purchaser is encouraged to contact the county register of deeds office or a title insurance company, either of which may charge a fee for this information:

Name(s) of the mortgagor(s): Anita Owens, an unmarried woman
Original Mortgage: PNC BANK, NATIONAL ASSOCIATION
Foreclosing Assignee (if any): None
Date of Mortgage: December 9, 2022
Date of Mortgage Recording: December 29, 2022
Amount claimed due on date of notice: \$93,378.78

Description of the mortgaged premises: Situated in City of Detroit, Wayne County, Michigan, and described as: The South 31 feet of Lot 113 and the North 9 feet of Lot 112, including 1/2 of the vacated alley in the rear of and adjacent thereto of Martin J. Wanamaker School-Site Park Subdivision according to the plat thereof recorded in Liber 49 of Plats, Page 82 of Wayne County Records.

Common street address (if any): 14581 Chatham St., Detroit, MI 48223-1812

The redemption period shall be 6 months from the date of such sale, unless determined abandoned in accordance with MCL 600.3241a; or, if the subject real property is used for agricultural purposes as defined by MCL 600.3240(16).

If the property is sold at foreclosure sale under Chapter 32 of the Revised Judicature Act of 1961, pursuant to MCL 600.3278 the borrower will be held responsible to the person who buys the property at the mortgage foreclosure sale or to the mortgage holder for damaging the property during the redemption period.

Attention homeowner: If you are a military service member on active duty, if your period of active duty has concluded less than 90 days ago, or if you have been ordered to active duty, please contact the attorney for the party foreclosing the mortgage at the telephone number stated in this notice.

This notice is from a debt collector.
Date of notice: January 15, 2025
Trott Law, P.C.
31440 Northwestern Hwy, Suite 145
Farmington Hills, MI 48334
(248) 642-2515

1550431

(01-15)(02-05)

Fifth Insertion

In pursuance and by virtue of a Judgment of the Circuit Court for the County of Wayne, State of Michigan, made and entered on 10/10/24, in a certain cause therein pending, wherein Citibank, N.A., not in its individual capacity but solely as Owner Trustee for Barclays Mortgage Loan Trust 2022-NQM1 was the Plaintiff and Platinum Acquisitions, LLC was the Defendant(s).

NOTICE IS HEREBY GIVEN that I shall sell at public auction to the highest bidder, at public venue at the Wayne County Courthouse (that being the place of holding the Circuit Court for said County), on FEBRUARY 25, 2025, at 11:00 AM, Eastern Standard Time, the following described property, viz:

All certain piece or parcel of land situated in the City of Inkster, County of Wayne and State of Michigan, described as follows:

LAND SITUATED IN THE COUNTY OF WAYNE, STATE OF MICHIGAN, DESCRIBED AS:
LOT 323, AND 1/2 VACATED ALLEY AT THE REAR, ROUGELVANIA SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 54 OF PLATS, PAGE 81 OF WAYNE COUNTY RECORDS.

26142 Stanford St., Inkster, MI 48141
44-005-02-0323-00
This property may be redeemed during the six (6) months following the sale.
Terri Sloan
Deputy Sheriff
/s/ Marla A. Skeltis
Attorneys for Plaintiff
Codilis & Moody, P.C.
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527
(313) 536-2500
23-23-00398

(01-08)(02-19)

In pursuance and by virtue of a Judgment of the Circuit Court for the County of Wayne, State of Michigan, made and entered on 10/10/24, in a certain cause therein pending, wherein Citibank, N.A., not in its individual capacity but solely as Owner Trustee for Barclays Mortgage Loan Trust 2022-NQM1 was the Plaintiff and Platinum Acquisitions, LLC was the Defendant(s).

NOTICE IS HEREBY GIVEN that I shall sell at public auction to the highest bidder, at public venue at the Wayne County Courthouse (that being the place of holding the Circuit Court for said County), on FEBRUARY 25, 2025, at 11:00 AM, Eastern Standard Time, the following described property, viz:

All certain piece or parcel of land situated in the City of Inkster, County of Wayne and State of Michigan, described as follows:

LAND SITUATED IN THE CITY OF INKSTER, COUNTY OF WAYNE, STATE OF MICHIGAN LOT 10, MAPLE ROW SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 48 OF PLATS, PAGE(S) 68, WAYNE COUNTY RECORDS.

28607 Avondale Street, Inkster, MI

48141
44-005-02-0010-000
This property may be redeemed during the six (6) months following the sale.
Terri Sloan
Deputy Sheriff
/s/ Marla A. Skeltis (P62141)
Attorneys for Plaintiff
Codilis & Moody, P.C.
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527
(313) 536-2500
23-23-00387

(01-08)(02-19)

Sixth Insertion

Wayne County Circuit Court
Case No. 23-016403-CH
NOTICE OF JUDICIAL SALE
The property described below shall be sold at public auction, by an authorized sheriff/deputy sheriff or court clerk/deputy county clerk, to the highest bidder, at the Circuit Court for the County of Wayne, on the 18th of February, 2025 at 11:00 am, local time. On said day said time, the following described property shall be sold: property located in the City of Detroit, County of Wayne, State of Michigan, particularly described as: Lot 349, Eastern Heights Land Co's Subdivision, as recorded in Liber 48 of Plats, Page(s) 23, Wayne County Records. More commonly known as: 5275 Yorkshire Rd., Detroit Michigan
This notice is from a debt collector.
Date of Notice: December 2, 2024
Trott Law, P.C.
/s/ Michelle K. Clark
By: Michelle K. Clark
RAPHAEL WASHINGTON
Terri Sloan
Deputy Sheriff

(01-01)(02-19)

Case No. 24-004866-CH
CIRCUIT COURT SALE
In pursuance and by virtue of a Judgment of the Circuit Court for the County of Wayne, State of Michigan, made and entered on 7/19/24, in a certain cause therein pending, wherein Citibank, N.A., not in its individual capacity but solely as Owner Trustee for Barclays Mortgage Loan Trust 2022-INV1 was the Plaintiff and Platinum Acquisitions, LLC was the Defendant(s).

NOTICE IS HEREBY GIVEN that I shall sell at public auction to the highest bidder, at public venue at the Wayne County Courthouse (that being the place of holding the Circuit Court for said County), on TUESDAY, FEBRUARY 18, 2025, at 11:00 AM, Eastern Standard Time, the following described property, viz:
All certain piece or parcel of land situated in the City of Inkster, County of Wayne and State of Michigan, described as follows:

LAND SITUATED IN THE COUNTY OF WAYNE, STATE OF MICHIGAN, DESCRIBED AS:
LOT 444 HYDE PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 51 OF PLATS, PAGE(S) 9, WAYNE COUNTY RECORDS.

2206 Springhill Ave., Inkster, MI 48141
44-005-03-0444-000
This property may be redeemed during the six (6) months following the sale.
Terri Sloan
Deputy Sheriff
/s/ Josie Lewis (P69317)
Attorneys for Plaintiff
Codilis & Moody, P.C.
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527
(313) 536-2500
23-23-00370

(01-01)(02-12)

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Black and Tan



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8 oz. stout lager
1 frothy mug
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1 pick-up truck
1 10-hour day
1 tired worker
A few rounds with the guys

Mix ingredients.
Add 1 totalled vehicle.

Never underestimate 'just a few.'
Buzzed driving is drunk driving.

Ad Council U.S. Department of Transportation

ARBITRATOR:

Selecting an arbitrator is a strategic decision, has challenges

From Page 1

and procedural experience—an arbitrator must not only understand the substantive issues but also possess strong arbitration law expertise, familiarity with institutional rules, and a firm grasp of procedural fairness. Impartiality and independence are fundamental to the arbitration process, requiring arbitrators to disclose any potential conflicts of interest or biases, following established guidelines such as those set by the International Bar Association (IBA). Additionally, an arbitrator's decision-making style and case management approach can significantly impact proceedings. While some arbitrators enforce strict timelines and discourage delays, others adopt a more flexible approach. Their inclination toward a rigid application of the law versus a more equitable reso-

lution also plays a role in shaping outcomes. Reputation and references further guide the selection process—analyzing past awards, published opinions, and feedback from legal professionals can offer valuable insights into an arbitrator's approach and reliability. Lastly, availability and efficiency must not be overlooked. Since arbitration is designed to be a time-efficient alternative to litigation, ensuring the arbitrator has sufficient bandwidth to dedicate to the case is crucial in preventing unnecessary delays.

Challenges and pitfalls in arbitrator selection

Arbitrator selection comes with several challenges that parties must navigate carefully. Lack of diversity remains a persistent issue, as arbitrator pools are still dominated by a select group of

professionals. To enhance the dispute resolution process, parties should consider diverse candidates who bring different perspectives. Another concern is tactical appointments and bias risks in party-appointed arbitrations, where an arbitrator may be perceived as favoring the party that selected them. Additionally, parties often place an overemphasis on high-profile arbitrators, prioritizing credibility and reputation over practical considerations. While experienced arbitrators bring authority to proceedings, they often have heavy caseloads, leading to delays. A balanced approach that weighs both experience and availability is essential for an efficient arbitration process.

The art and science of arbitrator selection

Selecting an arbitrator is a strategic decision that requires balancing legal knowledge, indus-

try expertise, neutrality, and case management skills. A well-chosen arbitrator can ensure an efficient, fair, and enforceable resolution to a dispute. As arbitration continues to evolve, parties must refine their approach to arbitrator selection to maximize the benefits of the process.

Stay tuned for next month's installment, where we will delve into "Preliminary Hearing: Setting the Stage for Arbitration." An in-depth look at the preliminary hearing, including establishing a procedural timetable, discovery schedule, and setting ground rules for the arbitration.

Harshitha Ram is an international disputes attorney, arbitrator, mediator, lecturer in law, and the President of the Global Arbitration Mediation Academy (GAMA). To learn more, visit: www.harshitharam.com www.adracademy.us

COURT:

Zahra and colleagues concluded franchise functioned as a tax

From Page 1

Zahra wrote. "The issue therefore is whether a municipality may circumvent the Headlee Amendment by enlisting a cooperative non-governmental entity to accept the imposition of a franchise fee with the express understanding that the entity would, in turn, collect the franchise fee from would be taxpayers and remit the revenue collected to the municipality. We hold that such an arrangement violates the Headlee Amendment because the purported 'fee' operates as a tax that has not been approved by the voters of the municipality."

Specifically, Zahra and his colleagues concluded that the franchise fee functioned as a tax and was not proportionate to any costs

the city incurred by BWL providing electrical services, and because the fee was not voluntary.

"We further hold that plaintiff is a taxpayer of that tax: The consumers of BWL electrical service who reside in the city bear the legal incidence of the challenged fee; BWL has no legal obligation to pay the franchise fee itself; BWL merely 'collects and remits' the fee from city residents to the city; and BWL places the challenged fee on the consumers' bills, acting as a conduit for the city," Zahra wrote. "We conclude that the franchise fee is an unauthorized tax in violation of the Headlee Amendment of the Michigan Constitution. We reverse the judgment of the Court of Appeals as to whether plaintiff is a taxpayer and remand this case to

the trial court for further proceedings. Because the franchise fee is an unlawful tax and plaintiff is a taxpayer, the plaintiff has a viable Headlee claim to recover fees that were assessed and due within one year of filing this lawsuit. In all other respects, Zahra said the court was denying the remaining arguments in the plaintiff's appeal.

Justice Richard Bernstein dissented in part, agreeing that the franchise fee was a tax, but disagreed that the plaintiff was a taxpayer. He would have instead affirmed the Court of Appeals in granting summary disposition to the city.

"Here, the BWL was legally responsible for paying the city the franchise fee at issue. It is undisputed that the BWL, not the plain-

tiff, was required to pay the franchise fee to the city under the franchise agreement and the ordinance as a condition of the city granting the BWL a franchise," Bernstein wrote. "The tax obligation here therefore falls primarily on the BWL because it, not the plaintiff, is legally required to remit the fee to the city. That the economic burden fell on the plaintiff here does not make him a taxpayer. Therefore, I would conclude that the BWL is the taxpayer, not the plaintiff."

Chief Justice Elizabeth Clement did not participate due to a potential interest in the controversy, and Justice Kimberly Thomas did not participate because the case was considered before she assumed office.

PRISON:

Newest forever prisoner is one of the original 9/11 defendants

From Page 3

remainder of his sentence from a 2014 plea bargain agreement.

When Biden took office, he said that he supported shutting down the military prison at Guantánamo. In the early years of his presidency, there was a slow stream of transfers, mostly people who had been cleared for release long ago and were freed.

In Biden's last months, the pace of transfers quickened. In December 2024, a Kenyan detainee, two Malaysian members of al-Qaida who had pled guilty the previous January, and a Tunisian man who had been in Guantánamo since the day the facility was opened were all repatriated to their countries of origin and freed. In January 2024, 11 Yemenis were transported from the prison to Oman to be resettled.

15 men left behind

The Biden administration had also planned to repatriate a severely disabled Iraqi detainee, Abd al-Hadi al-Iraqi, to serve out his plea-bargained sentence in a Baghdad prison. But a federal judge blocked that transfer, ruling

that al-Iraqi would not get necessary medical treatment in Iraq and might be subject to abuse there.

Al-Iraqi is one of the 15 that Biden left behind. Three of them — a Libyan, a Somali and a stateless Rohingya — have long been cleared for release. Their continuing detention without charges highlights a key element of the Guantánamo problem: No one can be released unless the U.S. government finds another country willing to accept them.

One of the remaining detainees, Ali Bahlul, is serving a life sentence for conspiracy to commit war crimes. Six others, including the four 9/11 defendants, are awaiting their trials.

There are also four detainees whom the government refuses to transfer but cannot put on trial for lack of evidence.

These so-called "forever prisoners" include Abu Zubaydah, a Saudi-born man of Palestinian descent who was taken into CIA custody in 2002 and was used as the guinea pig for the CIA torture program. The government long ago conceded that Abu Zubaydah

was not a top leader of al-Qaida — in fact he was not even a member. But he will not be released because he knows how he was treated by the CIA, and that treatment remains highly classified.

The newest forever prisoner is one of the original 9/11 defendants, Ramzi bin al-Shibh; in September 2023, he was declared mentally incompetent to stand trial. Now he is uncharged, untried and untreated for his psychological maladies that were caused by the torture he endured in CIA black sites.

The 'War on Terror' is not over

When Biden pulled U.S. troops out of Afghanistan in August 2021, he claimed to have ended America's longest war — and

repeated this claim in a January 2025 speech. But the Guantánamo prison remains open, and as long as it is, the "war on terror," which first put U.S. troops in Afghanistan in 2001, is not over.

How Trump will deal with Guantánamo is an open question. If he focuses on the death penalty, he will press ahead with military commission trials like his predecessors, hoping for unanimous guilty verdicts and death sentences. If he prioritizes cutting wasteful government spending, he will release additional detainees and allow the three plea bargain agreements to go into effect.

No one I spoke to during my last trip was willing to predict what a second Trump term might bode for Guantánamo — except that it won't be closed.

PROTESTERS:

Student used a megaphone

From Page 1

Michigan has been deeply affected by tensions over the Israel-Hamas war, with metro Detroit home to the nation's largest Arab American community and a significant Jewish population. These dynamics have sparked unrest on University of Michigan campuses, resulting in police clashes with protesters and demonstrators targeting university regents for protests.

Last week, the University of Michigan suspended a pro-Palestinian group for two years and pulled its funding after accusing the group of violating the university's standards of conduct.

The ACLU's lawsuit was brought on behalf of Zou and one other current student, two recent graduates and an Ann Arbor community member. According to the lawsuit, the individuals were each issued trespass bans after being accused of misconduct during protests, but never formally charged for it.

Zou was participating in a march on the University of Michigan's Ann Arbor campus on the

one-year anniversary of Hamas' Oct. 7 attack on Israel that killed 1,200 people and another 250 were taken hostage. The 2023 attack sparked a war that has devastated the Hamas-ruled Gaza Strip.

Zou was arrested after using a megaphone during the march, but never formally charged.

The trespass bans have upended individuals "daily lives, disrupted their education and work, and are blocking their ability to speak and protest freely on the University's vast campus," according to the lawsuit. The individuals are asking the federal court to lift their bans and prevent the university from issuing broad trespassing bans in the future.

A ceasefire took effect last month between Hamas and Israel, leading to hostage-for-prisoner swaps and a flood of aid into the Gaza Strip after a 15-month ground war marked by devastation, hunger and mass displacement in the territory. Looming large is the possibility that fighting will resume if the ceasefire breaks down after the six-week first phase.