

July/August 2005

BARBEAT

Genesee County Bar Association



**2005-2006
GCBA President
H. William Reising**

**Hiring a Forensic Accountant
Strange But True
A New Life: Roberta Wray
The First 100 Days and Beyond:
David Leyton**

Motion Day 5K Race



l-r: Judges David Newblatt, Judith Fullerton, John Gadola



l-r: Lynne Taft, David Megdell, Suellen Parker, Judge Duncan Beagle, Melissa Bellamy

Motion Day 5K Donors

Court of Appeals Donors

Chris Christenson
Joliat, Tosto, McCormick & Bade
Brian Barkey
WestLaw

District Court Donors

Erwin F. Meiers
Professional Human Capital
Dennis R. Lazar
Ramona Sain
Henry Hanflik PC

Circuit Court Donors

Winegarden & Himelhoch
Henry Hanflik PC
Behm & Behm
Suellen Parker
Yeo & Yeo
Prosecutor David Leyton



l-r: Kevin Rush, Jeff Himelhoch at the finish line



Motion Day 5K volunteers



l-r: Jennie Barkey, Brian Barkey

2004-2005 Board of Directors

PRESIDENT – H. William Reising
VICE PRESIDENT – Kraig S. Sippell
TREASURER – Kurtis L.V. Brown
SECRETARY – David S. Leyton
IMMEDIATE PAST PRESIDENT – Susan Philpott Preketes

Specialty Bar Board Members

Young Lawyers Delegate – Amy Kline
Mallory, VanDyne, Scott Bar – Anthony T. Maxwell
Women Lawyers Delegate – Wendy J. Maxfield
Bar Auxiliary Representative – Vacant
Flint Trial Lawyers Representative – Eric McCormick

Board Members

David S. Leyton '05
Bernhardt "Chris" Christenson '06 M. Cathy Dowd '06
Robert H S. Schaffer '06 Lynne A. Taft '06
Michael J. Behm '07 Orene Bryant '07
Karen L. Folks '07 Linda A. Pohly '08
John R. Green '08 Tim Knecht '08
Dennis Lazar '08 Steve Moulton '08

Bar Beat Editor

Francine Cullari
cullarilaw@sbcglobal.net

Genesee County Bar Association

315 E. Court St. Flint, Michigan
48502-1611 (810) 232-6012
For editorial information, call (810) 695-7400.

Published bi-monthly by the State Bar of Michigan, 306
Townsend St., Lansing, MI 48933, for the Genesee
County Bar Association. For advertising, call (517) 346-
6315.

No material in *Bar Beat* reflects the opinion or endorsement of the
Genesee County Bar Association, unless otherwise stated.

4	2005... A Great Year	by William Reising
5	Law Day and 5K Successful	by Ramona Sain
6	Hiring a Forensic Accountant	by Stanley Foodman
8	Strange But True	by Don Harper Mills
9	A New Life: Roberta Wray	by Francine Cullari
10	The First 100 Days and Beyond: David Leyton	by John Potbury

Advertisers

Larry Day

Attorney/Mediator 3

Yeo & Yeo

Accountants and
Business Consultants 4

BKR Dupuis & Ryden

Financial Services 6

Classifid Ads 7

Raymond James & Associates

Financial Services 7

Jack E. Tubbs

Registered Patent Attorney 8

Gould Engineering, Inc.

Civil, Municipal and
Land Development 8

Cislo Title Company

Title Insurance and
Escrow Services 9

JPMorgan

Private Client Services 12

MEDIATION SERVICES



Larry Day
Attorney & Mediator
Citizens Banking Center
Flint, Michigan 48502
(810) 603-3400

- ❖ **Mediation Training** – Harvard University, Nova University and State Bar of Michigan
- ❖ **Experience** – Practicing mediator since 1995, and practicing lawyer for more than 25 years
- ❖ **Chairperson** – Genesee County Circuit Court Civil Mediation Committee
- ❖ **Presentations** – “Preparing Yourself and Your Client for Facilitative Mediation,” ADR Section, State Bar of Michigan, July 2000; “ADR,” Saginaw Valley Adjusters Association, March 1996; “ADR Seminar,” Genesee County Bar Association, September 1995
- ❖ **Publications** – “Private Mediation,” Bar Beat, July 1995; “Facilitative Mediation,” April 1996 and “Michigan Mediation Update,” June 2004, Michigan Lawyers Weekly

2005... A Great Year

by H. William Reising, President

I find myself both humbled and honored to serve as the President of the Genesee County Bar Association for this year. I am following in the footsteps of individuals that, I believe, can only be categorized as “pillars of the Bar”, and who have selflessly devoted both time and energy to that end. I can only hope that my Presidency measures up to that standard, and I can assure all that I intend to do everything I can do to make sure it does.

For those of you who have had occasion to read the column penned by Executive Director, Ramona Sain, in the May/June Bar Beat, you became aware of the acute financial crisis which faced the Genesee County Bar Association. The annual budget was at great risk, and it was through the efforts of Ms. Sain, the other employees of the Bar Association, and your Board of Directors, that the issues related to that shortfall were dealt with, and the financial stability of the organization was preserved. One way to make sure that the organization was preserved was to recommend to the general membership a dues increase. No one likes a dues increase; there was no other choice, however, for GCBA to continue its good work and be a vital force in the community.

The revitalization of the “vital force concept” will be the primary focus of my Presidency. I intend to concentrate on the development of an appropriate mission statement and a strategic plan, so that the Association can remain viable in the future.

The strategic plan process was recently completed at the State Bar level, resulting in a much more viable organization. I am very much aware of that increased vitality due to my involvement with the Representative Assembly, on which I have proudly served on behalf of the attorneys in Genesee

County for the last several years.

My intent is to further expand the role of the Genesee County Bar Association in association with Law Week. We need to expand the Mock Trial Program and consider other options which will allow our Association to further its role of community service.

The Lawyer Referral Service run by your association is an outstanding program, and is a community service for which this association can take pride. Every effort will be made to make sure that the program remains viable, and I hope to expand it to include more attorneys.

These are just some of the examples of what the Genesee County Bar Association is doing. None of this would be possible without the support of those individuals who have chosen to become members of this voluntary association. I will remember it is a voluntary association, and keep my eye on its goals to serve its membership and the community.

Having belonged to other Bar Associations, I am pleased to report that the Genesee County Bar Association is “head and shoulders” above the others with the services offered to its members, and its role in the community. We can be pleased with our success and I hope to do everything possible during the next year to make sure that continues.

Enough said about serious topics. The title of this article indicates that 2005, from my perspective, has been a banner year for me. My reasons for saying that are many. Among those reasons is my 35th anniversary in January 2005 with Plunkett & Cooney. Plunkett & Cooney is the only law firm that I have worked with during my legal career, and it has provided me with an environment which has allowed me to grow both as a person and an attorney



H. William Reising

during those years. I could not be happier than with that role.

On February 4, 2005, my wife and I were blessed with a new granddaughter, Margaret Cecilia, who is doing gangbusters. She is growing up under the watchful eye of our daughter and son-in-law in the Windy City. Needless to say, Grandpa and Grandma get over there as often as possible.

The crowning event is my elevation to President of the Genesee County Bar Association. I have truly enjoyed my stint on the Board of Directors, and in the other officer chairs, leading up to the Presidency.

I assure you I will do everything possible to make this organization a better organization during my Presidency. If anyone has any suggestions, feel free to send them my way. I am looking for input on all segments of the legal community, and for that matter, the community at large.

CHARGE!

BAR BRIEFS THANKS

Thank you from the Bar Briefs editor Francine Cullari to the Bar Briefs Swimsuit Issue Committee:

Brian Barkey
Richard Barron
Karen Folks
Louis Giampetroni
Clifford Hart
David Lattie
Fred Meiers
Ramona Sain
Kraig Sippell
Reese Stipes
Jim Wascha

Law Day and 5K Successful

by Ramona Sain, Executive Director



Ramona Sain

Once again, the Association hosted a series of successful Law Day events, culminating in a public lecture by attorney and mountain climber Lou Kasischke, co-sponsored by the University of Michigan-Flint Recreation Center and Standard Federal Bank. There were over ninety attendees and following his presentation on "The Power of Will" about his 1996 ill-fated Mt. Everest climbing expedition, Kasischke entertained questions from the audience. His story was truly compelling.

Other Law Week highlights included the mock trial for hearing impaired students at Southwestern Academy, presided over by Judge Beagle, the high school mock trial and session entitled "Here Comes the Judge" featuring Judge Stecco and Judge Roberts, the United States Supreme Court admission trip, and the First Annual Motion Day 5K. Please take a moment to look at the race photos on the front inside cover taken by Jerry Winegarden and also the list of Motion Day 5K sponsors.

The event could not have succeeded without their financial support. While I was in Washington D.C. on race day, fretting about the snow blizzard, Tina, Star, all the volunteers and committee members had everything under control. As race chairman Judge John Gadola said to me after the event, "You worry too much. It's probably a good thing you were in Washington!" Point well taken.

Once again it's the changing of the guard with officers and directors. Leaving the board is Immediate Past President Richard Barron (also retiring from the county), and Directors Joan Pierson and Chris Ebbott. In many regards, the change is bitter-sweet since board and staff relationships often go back many years. But as Joan said succinctly, "Change is good. Anyway, it's not as if I won't still be around!"

Our new officers are H. William Reising as President, Kraig Sippell as

Vice President, Kurtis Brown as Treasurer, and David Leyton as Secretary. New board members include Tim Knecht, Steve Moulton, and Dennis Lazar, with John Greene returning for an additional term. Welcome.



A Lesson for All of Us

An old Cherokee was teaching his grandson about life. "A fight is going on inside me," he said to the boy. It is a terrible fight and it is between two wolves. One is evil - he is anger, envy, sorrow, regret, greed, arrogance, self-pity, guilt, resentment, inferiority, lies, false pride, superiority, and ego. The other is good - he is joy, peace, love, hope, serenity, humility, kindness, benevolence, empathy, generosity, truth, compassion, and faith. This same fight is going on inside you and inside every other person, too."

The grandson thought about it for a minute and then asked his grandfather, "Which wolf will win?"

The old Cherokee simply replied, "The one that we feed."

An ally for you, an advocate for your client.



Putting a price on a business is no easy task. Yeo & Yeo's *experienced* valuation specialists have the *training* and *credibility* to be the best advocates for your clients.

- Business Valuation
- Litigation Support
- Insurance Loss Accounting
- Estate & Gift Taxes
- Succession Planning
- Fraud Investigation

Saginaw Office

David Schaeffer, CPA, ABV
Thomas Hollerback, CPA, DABFA

1-800-968-0010

Flint Office

Alan Rohde, CPA, PFS

1-800-899-4742

www.yeoandyeo.com

Hiring a Forensic Accountant

by Stanley I. Foodman

Attorneys are employing certified public accountants who specialize in forensic accounting in ever-increasing numbers. Universities worldwide are offering courses in forensic accounting. In the United States, law enforcement and regulatory agencies are recruiting forensic accountants. Professional organizations such as the American Institute of Certified Public Accountants, the Association of Certified Fraud Examiners, and the Association of Certified Valuation Analysts are providing certification in specialized areas of forensic accounting.

The rush to employ accounting experts raises questions. How does one locate a forensic accountant? What skills and training should a forensic accountant possess? How does one verify the bona fides of a forensic accountant? In the litigation process, when should an attorney employ a forensic accountant?

Variety of skills

A forensic accountant is someone with a combination of skills. Beyond being a CPA, a forensic accountant has auditing and investigating capabilities that are ideal for the complexity of litigation involving tax and finance. For example, a forensic accountant is extremely helpful with the investigative accounting needed for litigation support, particularly in cases that involve mountains of ledger sheets, bank statements and receipts. A forensic accountant can take a seemingly needle-in-a-haystack pile of financial information and distill it into the important elements that need to be presented clearly and concisely as courtroom testimony.

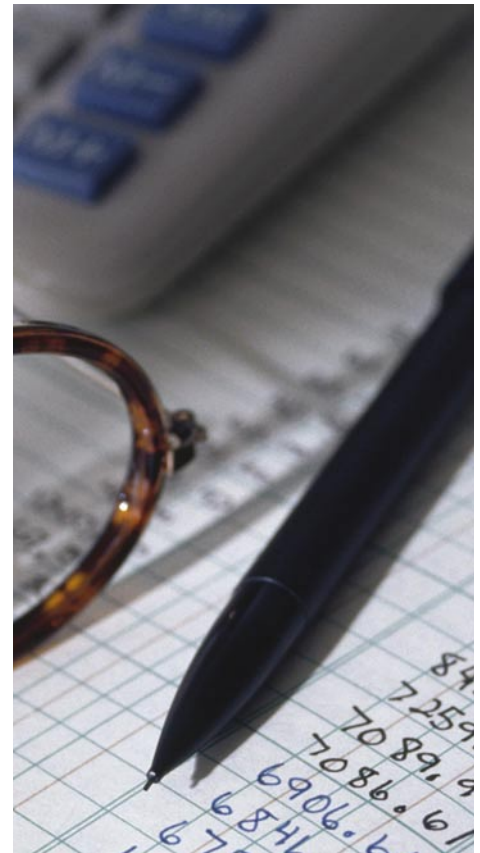
Get in early

For the maximum benefit, a forensic accountant should be retained early

in any case where he or she is needed. Bringing the forensic accountant in early can lower expenses in a case by identifying potential problems before they snowball. Waiting to bring in a forensic accountant after discovery can result in a complex case becoming even more complex. Also, a forensic accountant needs to begin reviewing all documents as soon as possible to be the most effective in determining damages and/or helping with any settlement negotiations.

Beyond the resume

Locating an appropriate forensic accountant is not necessarily easy. Not all accountants have the same resumes. Locating a CPA with an investigative background and training is the best starting point, especially when ferreting information is necessary. Because a resume is no better than the character of the person whom it purports to support, asking for and check-



Litigation Support Services
Beyond The Numbers



Business Valuations • Fraud Identification • Marital Dissolution
Bankruptcy • Expert Witness • Dispute Resolution

BKR DUPUIS & RYDEN
Financial Services

Robert Selley, CPA, ABV
Peggy Haw Jury, CPA, CFE
Bethany Hearn, CPA, ABV
Deborah Redding, CPA

111 E. Court Street
Suite 1A
Flint, MI 48502
(810) 767-5350

www.bkrdupuisryden.com

ing references is absolutely necessary. Finally, after locating a forensic accountant and verifying bona fides, deciding the suitable moment during litigation to retain the expert may ultimately determine success or failure.

When seeking a forensic accountant to help with a case, look at personal characteristics beyond the resume. For example, the forensic accountant should have a "can do" approach no matter how complex a case – a confidence driven by curiosity and persistence. In addition, a good forensic accountant will have a sense of creativity and organization so financial material is distilled into understandable terms that will not put a judge or jury to sleep. Finally, a forensic account will have the professional judgment and sense of discretion necessary in any litigation.

A different perspective

A significant number of commercial and civil litigators feel that forensic accounting brings little to the process

of production requests and depositions and bring a forensic accountant into the process rather late. They probably do not realize that forensic accountants view information and sources of information from a different perspective. Because rules of professional conduct governing forensic accountants do not permit advocacy, and their training is in a vocabulary completely different from that of attorneys, they dispassionately see and make informational connections often unseen by attorneys. In other words, capable forensic accountants are able to "think outside of the box." The earlier they join the team during the process of litigating, the more value they add to the attorney's team and the client's case.

Miami-based forensic accountant Stanley I. Foodman is a former auxiliary special agent for the Florida Department of Law Enforcement and has worked as a consultant to the Miami office of the U.S. Attorney in the area of civil RICO money laundering recoveries. He has

an extensive background in accounting with a major accounting firm and Florida Power & Light. Foodman is a member of the Society of Certified Fraud Examiners and a member of the Supreme Court of Florida Circuit Committee on the Unlicensed Practice of Law.

Classified Ads:

Lake Front Property

Lake Fenton double lot--One of the last remaining lake front sites. 80' on water, 100' on street. Up high and perfect for a 3 level walkout. Sandy, shallow for swimming, yet excellent for docking your boats. Seawall. Call Trish Zito-Smith. Prudential Great Lakes Realty 810-629-9452.

Office Space

Be a part of the Historic Stockton Center at Spring Grove. Offices for lease range from 80 s.f. to 10,000 s.f. Fall Occupancy. Call Les Conley & Assoc. for more info (810) 720-0058.

RAYMOND JAMES & ASSOCIATES

EXPERIENCE

extends across a full range of investment opportunities. For over 40 years, our office has been serving the financial needs of the Flint area. The average financial advisor in our office has 15 years experience in helping individuals select the right investment for them. Whether you are a new or experienced investor, your Raymond James Financial Advisor is prepared to provide an extra measure of expertise based on his or her knowledge and long experience in financial counseling. What's more, your Raymond James Financial Advisor is supported by an equally experienced and knowledgeable staff that supplies the research needed to stay on top of current and future market trends. Take advantage of this personalized and customized service. The Genesee County Bar Association has recommended Raymond James to its members. Put our experience to work for you.

RAYMOND J KELLY III
GUY MOXAM
GARY FORREST

LEWIS S. ELIEFF
CHRISTOPHER D. WARNER
MICHAEL HEBNER
PETER LEMELIN

JOSEPH LEMELIN
JERRY PETTEY
CHRISTOPHER S. KELLY, JR.

• Stocks • Bonds • CDs • US Treasury Securities • Mutual Funds

RAYMOND JAMES & ASSOCIATES

MEMBER NEW YORK STOCK EXCHANGE, INC & SIPC

3499 South Linden Road - Flint, Michigan (810) 733-2810 or (800) 521-9767

Strange but True

by Don Harper Mills, M.D., J.D.

On March 23, 1994, the medical examiner viewed the body of Ronald Opus and concluded that he had died from a shotgun wound to the head. Mr. Opus had jumped from the top of a ten-story building intending to commit suicide. He left a note to the effect indicating his despondency. As he fell past the ninth floor his life was interrupted by a shotgun blast passing through a window, which killed him instantly.

Neither the shooter nor the deceased was aware that a safety net had been installed just below the eighth floor level to protect some building workers and that Ronald Opus would not have been able to complete his suicide the way he had planned.

"Ordinarily," Dr Mills continued, "Someone who sets out to commit suicide and ultimately succeeds, even though the mechanism might not be what he intended, is still defined as committing suicide." That Mr. Opus was shot on the way to certain death, but probably would not have been successful because of the safety net, caused the medical examiner to feel that he had a homicide on his hands.

The room on the ninth floor, where the shotgun blast emanated, was occupied by an elderly man and his wife. They were arguing vigorously and he was threatening her with a shotgun. The man was so upset that when he pulled the trigger he completely missed his wife and the pellets went through the window striking Mr. Opus.

When one intends to kill subject "A" but kills subject "B" in the attempt, one is guilty of the murder of subject "B." When confronted with the murder charge the old man and his wife were both adamant and both said that they thought the shotgun was not loaded. The old man said it was a long-standing habit to threaten his wife

with the unloaded shotgun. He had no intention to murder her. Therefore the killing of Mr. Opus appeared to be an accident; that is, assuming the gun had been accidentally loaded.

The continuing investigation turned up a witness who saw the old couple's son loading the shotgun about six weeks prior to the fatal accident. It transpired that the old lady had cut off her son's financial support and the son, knowing the propensity of his father to use the shotgun threateningly, loaded the gun with the expectation that his father would shoot his mother. Since the loader of the gun was aware of this, he was guilty of the murder even though he didn't actually pull the trigger. The case now becomes one of murder on the part of the son for the death of Ronald Opus.

Now comes the exquisite twist.

Further investigation revealed that the son was, in fact, Ronald Opus. He had become increasingly despondent

over the failure of his attempt to engineer his mother's murder. This led him to jump off the ten-story building on March 23rd, only to be killed by a shotgun blast passing through the ninth story window. The son had actually murdered himself so the medical examiner closed the case as a suicide.

Dr. Harper Mills is a Clinical Professor of Pathology at the Keck School of Medicine, University of Southern California, and Past President of the American Academy of Forensic Sciences.

Flint Patent ServiceSM

JACK E. TUBBS
REG. PATENT ATTORNEY
(810) 687-8900
www.flintpatent.com

ge inc. *Est. 1916*

GOULD ENGINEERING, INC.
Civil, Municipal, and Land Development
Engineering, GPS, Construction and
Land Surveying

"A bridge to the future built on a legacy of excellence"

2040 East Maple Avenue
Flint, Michigan 48507
(810) 743-9120
Fax: (810) 743-1797
www.gouldengineering.com

CIVIL ENGINEERS
LAND SURVEYORS
LAND DEVELOPMENT PLANNERS

Contact us for consultation and professional services related to
ALTA surveys, MDEQ Permit Services, Condominiums and
Subdivisions, and Court Survey Expert Witness
Services



Golf Course, Multi-Family Housing, Private School



Saginaw Rd., Perry Rd., Bush St. Re-Alignment



Bicentennial Park - Grand Blanc Park Commission



Private Waterski Lake Design



SPO World Headquarters, GM Corporation

A New Life: Roberta J.F. Wray

by Francine Cullari



Roberta Wray

The glamour of television reporting! The joys of investigative work! An industry where news readers are as famous as newsmakers. Yet Roberta Wray gave it up at her peak to become a lawyer. What led to such a decision?

Let's start at the beginning. Born Roberta Jean Funsch, in Crawford County, Michigan, before World War II, Roberta remembers dirt roads and streets, wind-up Victrolas and 78 rpm records, outhouses, and no electricity in rural areas. She moved to Flint when her father went to work inspecting bomb sights after being classified 4F (two small children to raise). Roberta experienced the rationing of sugar, butter and rubber, and the squishy plastic bags with the little yellow dot that substituted for butter.

After VE Day, the family moved back to Crawford County where Roberta attended elementary school. The Korean conflict brought the family back to more war production. The family stayed in Flint after that, and Wray attended Flint Public Schools, graduating from Central High. After a term at Flint Junior College, Wray spent a summer as an apprentice at the Musical Tent, helping present summer stock shows, including Can-Can, Li'l Abner, Damn Yankees and Showboat. She later worked in community theater groups. The seed for performing was planted.

She found work at the Bill Lamb Record Shoppe downtown, at a time when stores were closed on Sundays and only open late on Monday night

and during the holiday season. There were five movie theatres downtown. Genesee Towers was built over the spot where the record shop stood, and the theatres either fell to the wrecking ball or were converted to other uses.

After two years at the record shop, Wray landed a job with WKMF radio and also started shooting film and reporting news part-time for Channel 6, Lansing. She was the first female TV photojournalist in Michigan and probably in the country. In 1964, after a layoff from WKMF, Wray started a four-year stint as a secretary at WTAC, while continuing her photojournalism,

“We trust CISLO.”



CISLO TITLE COMPANY
Title Insurance and Escrow Services



Agent For First American Title
Insurance Company of the Mid-West®

Since 1990

FLINT 1208 S. Saginaw, Flint, MI 48502 • Phone: (810) 239-0400 • Fax: (810) 239-0602 • Escrow Fax: (810) 239-7132

FENTON 3295 Silver Lake Rd., Fenton, MI 48430 • Phone: (810) 714-2973 • Fax: (810) 714-2975

BLOOMFIELD HILLS 40700 N. Woodward Ave., Bloomfield Hills, MI 48304 • Phone: (248) 594-0975 • Fax: (248) 594-0983

eventually switching from Channel 6 to Channel 5, WNEM-TV. In addition to the two jobs, Wray managed to take a few college classes.

With the passage of the Equal Opportunity Act, and the purchase of TV 5 by the Meredith Corporation, Wray became a full-time employee of the news department covering everything from crime to the courts. She interviewed many celebrities, including media personalities and scientists like Drs. Werner von Braun and Jonas Salk. She covered presidents and presidential candidates from John F. Kennedy to John Anderson. She had some memorable adventures along the way including wing-walking and flying with the Navy's Blue Angels.

Roberta Wray was living an exciting life. But after nearly 30 years in broadcasting she became disgusted with the way news shows were being produced and filled with junk news and exploitation. With federal deregulation of the airwaves, management became more interested in ratings and the bottom line than with "broadcasting in the public interest." Wray found news directors were more interested in having someone burst into tears on camera than in what caused the tears. Feelings were more important than facts. The decision to leave the air came when Wray was told to find out how a family "felt" after their daughter died violently in an African outpost.

After much consideration, she decided to attend law school, but first

she needed a Bachelor's Degree. She worked and went to U of M-Flint, graduating in December, 1990. Her last TV program aired December 31, and she immediately began classes at Thomas M. Cooley Law School. She was 50 years old...and a bit.

After graduation, Roberta clerked for Judge Eugene Penzien in Bay County while studying for the Bar Exam. She was admitted to practice in 1995 and returned to Flint to associate with David Nickola in his law practice. She accepted defender work as well as a large percentage of the firm's divorce practice. But she found she was not meant for divorce work and left the firm. She considered reentering broadcasting, but then Judge Evans retired, along with his magistrate, and Larry Stecco was elected. Roberta landed the magistrate position.

Today, instead of helping the public generally, Wray believes she makes a difference on a more personal level. For defendants who have dug deep holes with traffic tickets, she helps them to correct problems with the court and the Secretary of State. Newly licensed drivers who come before her get advice she hopes makes them more responsible drivers. The role may not be as glamorous as that of news reporter, but Wray never viewed her TV career as a glamour job. She always considered herself a serious journalist whose role was to inform people. She still does that, but in a calmer setting.

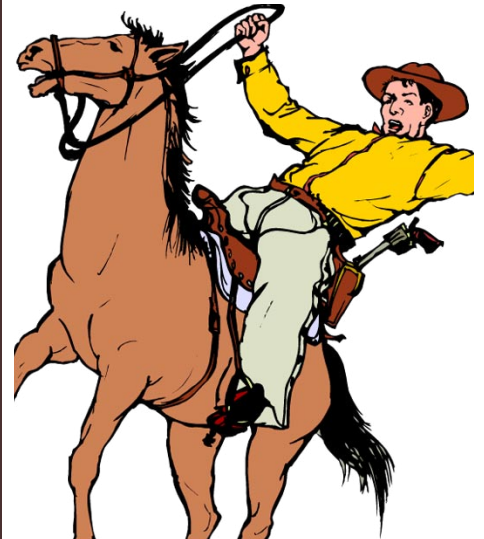
Horse Sense

Two horseback riders were charged with drunk driving when they were involved in an accident with a pickup truck. The Pennsylvania Supreme Court held that the state's drunk driving law does not apply to horseback riders, on the grounds of vagueness.

Dissenting Justice Michael Eakin opined:

A horse is a horse, of course, of course, but the Vehicle Code does not divorce its application from, perforce, a steed, as my colleagues said.

"It's not vague," I'll say until I'm hoarse, and whether a car, a truck or horse, this law applies with equal force, and I'd reverse instead.



Letter to the Editor

Dear Editor:

Regarding the "dispute" being aired in Bar Beat between Robert Segar and Dennis Haley, over fish and fishing rights on Walloon Lake, please permit me to set the record straight.

First, the "secret spot" claimed by Mr. Segar actually has belonged to me for many years.

Second, Mr. Segar, who claims multiple catches of large fish on Walloon Lake, has managed to win

a Labor Day fishing contest, two out of 15 years. One of the "wins" was suspect, in that Mr. Segar claimed a catch that was lost. This was confirmed by a participant who was "bribed" for this testimony at the award dinner.

Third, the use of Leonard Shulman as an authority is most foul! Mr. Shulman has a long history of fishing abuse, including the larceny of several fish from my pond, and the attempted entry of such fish in the contest. Mr.

Shulman is known to have contacted several criminal defense attorneys after David Leyton was elected Genesee County Prosecutor.

Last, irrespective of the dispute over the "secret spot" between Mr. Segar and myself, Dennis Haley is FOREVER BARRED FROM THAT "SPOT".

Franklin H. Kasle

The First 180 Days and Beyond: David Leyton

by John Potbury

Six months in office and Prosecutor David Leyton is off and running. From the first hours in office, he has found how exciting, fast-paced, rewarding, and high profile the Prosecutor's office is. From the prosecution of murder cases to crackdowns on drug and prostitution rings, there is never a dull moment. Unfortunately, as David points out, prosecuting cases means that a crime has already been committed. Victims, both individuals and the community as a whole, have already suffered. As a result, he notes, the traditional nature of the prosecutor's office is often *reactive* toward criminal activity rather than *proactive*.

To be more *proactive*, one of Leyton's top goals will be to stem the tide of youth crime. He feels that youth crimes, in and of themselves, need to be prosecuted to protect society, set standards of right and wrong, and punish the offender. Whether it be a felonious assault on a school bus, malicious destruction of property, or using the internet to plot against other students, Leyton avows that his office will hold those responsible accountable. He hopes that sending a strong message to youthful offenders will restrain others from committing similar acts.

Another proactive priority during Leyton's first term will be a truancy initiative aimed at the elementary levels. Leyton says that chronic truancy in the early years affects a child's performance immediately and in later grades, often leads to dropping out of school and getting into trouble with the law, and greatly diminishes prospects for success in life. It is for those reasons that Prosecutor Leyton intends to deal with truancy in collaboration with school officials, Judge Beagle, and other entities.

David finds the underlying problem in the most serious of school

truancy cases is often the parents, and Michigan law does hold parents accountable for their children's attendance. David says his goal is not to punish parents but to do whatever it takes to get kids in school.

A third priority is the prosecution of drunk drivers. To hold drunk drivers responsible for the death of innocent victims, Leyton says it is imperative that local law enforcement agencies and the prosecutor's office have all the tools necessary to investigate crash scenes. Competent and thorough investigations are crucial to successful prosecution, and Leyton's office is working with the Sheriff's Department, local police agencies, and the State Police to form a fatal alcohol crash team.

Many readers learned about David during the 2004 election. A few reminders are included here. He practiced law at Leyton & Kasle, P.L.C. from 1982 to 2004, after graduating from Cooley Law School. While in practice, he was involved in many activities, including clerk of Flint Township for five years and trustee for three years before clerk, as well as member of the Board of Appeals and the Airport Airpark Development Advisory Council, and chairman of the Building and Grounds Committee, the Liquor Advisory Committee, and Elections Commission. During those years, he managed to find time to marry Therese and have four children: Aimee, 22, Andrew, 19, Erica, 17, and Adam, 16.

He has continued in his volunteer activities since the election and is now the secretary of the GCBA board, having previously served on its Marketing and Membership Committee and LRIS. His numerous other volunteer activities include serving on the board or as a member



David Leyton

of 13 organizations for the elderly and children, and for minorities in business.

Leyton has been very active in the Genesee County Democratic Party as a county officer-at-large, on the Executive Committee and as its secretary, chairman and vice-chairman of the Democratic Club 225. At the state level, he has been on the Resolutions Committee, and is a member of the 8th Congressional District Committee.

David's professional affiliations include his sustaining memberships in the Michigan Trial Lawyers Association and GCBA, and memberships in the national and Flint Trial Lawyers Associations. He has been chosen for seven positions in the Tau Epsilon Rho Law Society since 1989, from national scholar to national chancellor.

At the University of Toledo, he was the Sigma Delta Chi, Outstanding Graduate in Journalism. He has four awards from the Associated Press of Michigan, including the 1978 award for General Excellence for Individual Reporting. David has been an instructor for ICLE on the no-fault law and prepared presentations on jury selection techniques and personal injury claims investigation for the Tau Epsilon Rho Law Society.



David and Therese Leyton at the Motion Day 5K

Experienced advisors. Customized solutions.

JPMorgan Private Client Services is pleased to announce that Tess Sullivan has joined our Flint team of professionals as an Estate Settlement Officer.

Private Client Services offers comprehensive wealth management solutions for individuals, families and business owners. Learn how rewarding a long-term relationship can be. We invite you to contact Tess at (810) 237-3763.

Unbiased advice. Solutions for life. Peace of mind.



Private Client Services offers products and services through JPMorgan Chase Bank, N.A. and its affiliates (JPMorgan Chase). Fiduciary, custody, loan and deposit products are offered through JPMorgan Chase. Securities (including mutual funds) and certain investment advisory services are provided by JPMorgan Chase affiliates Banc One Securities Corporation or Chase Investment Services Corp., members NASD and SIPC. Insurance products are provided by various insurance companies and offered through Banc One Insurance Agency, Inc., JPMorgan Insurance Brokerage & Advisory Services, a division of Chase Insurance Agency, Inc., Chase Insurance Agency, Inc. and Chase Manhattan Insurance Agency, Inc., a division thereof. Products not available in all states.

NOT A DEPOSIT	NOT FDIC INSURED	NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY	NOT GUARANTEED BY THE BANK	MAY LOSE VALUE
---------------	------------------	--	----------------------------	----------------

© 2005 JPMorgan Chase & Co.

**Genesee County Bar Association
315 East Court Street
Flint, Michigan 48502-1611**

**PRSRT STD
U.S. Postage
PAID
Flint, MI
Permit No. 125**