

May/June 2005

BARBEAT

Genesee County Bar Association



**Rocky Cove and
Fifteenth Green,
Cypress Point, c. 1930**

**From the Navy to the Law
From Chief Judge to President
GCBA Members Who
Served in World War II
Domestic Relations Mediation**



Gadola family at the unveiling of the Hon. Thomas Gadola portrait at the County Courthouse



Sandra Carlson, James Bauer at the Judge Gadola portrait unveiling



Hon. David Newblatt at the February Big Brothers Big Sisters Bowl-A-Thon, where many from the legal community participated



Lisa Lang, Shelley Spivack, Susan Philpott Preketes at the Judge Gadola portrait unveiling

GCBA - sponsored Family Day at at the Children's Museum at no charge to GCBA member families, with 61 attendees, coordinated by Chris Christenson



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Bill Mauldin cartoons courtesy of *Stars and Stripes*, a publication of the United States Department of Defense



On the Cover
Rocky Cove and
Fifteenth Green, Cypress Point, c.1930,
(California), painted by
landscape artist Michael
G. Miller; a former golf
club director. Miller was
honored with a solo
exhibit at the USGA
Golf House Museum in
Far Hills, New Jersey in
2002. He provided 50
paintings for the book
"The Art of Golf Design"
and eight others for
"The Golden Age of Golf
Architecture", both by
golf historian Geoff
Shackelford. Paintings
may be viewed at
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- ❖ **Publications** – "Private Mediation," Bar Beat, July 1995; "Facilitative Mediation," April 1996 and "Michigan Mediation Update," June 2004, Michigan Lawyers Weekly

“This, Too, Shall Pass”

by Ramona Sain, Executive Director

Those who know me well have often heard my unoriginal, but meaningful, motto: “This, too, shall pass.” In my seven years of employment with the bar association, I have used it more often than I would like to admit, most recently within the past few months.

The challenge currently facing GCBA, similar to other non-profit organizations, is financial. The association has a yearly operating budget of about \$200,000. Income from case evaluation fees was budgeted at \$48,000 (23 percent), split between the court, case evaluators, and the association. Unfortunately, case filings are down and an increasing number of cases are being sent to facilitation before mediation. The impact on the association is significant, reducing income nearly \$25,000. The Board of Directors and staff have worked diligently to reduce costs, including the elimination of telephone lines and janitorial services, among other things. In addition, effective April 1 (no, this is not a joke), we have voluntarily agreed to a temporary reduction in wages to help with the budget.

We distinguish ourselves from other similarly-sized bar associations by the number and caliber of activities sponsored. Most bar associations in Michigan only host a luncheon to celebrate Law Day. We conduct mock trials, discussions for high school students, and a poster contest for elementary students.

We are the only bar that hosts Teens & the Law and Senior Outreach programs. We are one of two that offer a Nursing Home and Hospice program. We are the only one with a road race, our newly organized Motion Day 5K. We are the only one with a Past Presidents’ Luncheon and the only one that regularly sponsors free family-oriented outings such as the Flint Children’s Mu-

seum, Sloan Museum, and Flint Institute of Art. We are the only association in the state, and arguably the country, that regularly hosts admission ceremony trips to the United States Supreme Court. Until this year, we were the only local bar in the state that produced a membership pictorial directory.

In addition to those extraordinary activities, we sponsor regular legal and educational seminars, host monthly membership meetings and operate a Lawyer Referral and Information Service program. Fifteen different bar committees are managed by staff, in addition to organizing the annual meeting and election of officers, and raising money through our Annual Golf Outing. That’s not all. On any given day, staff handles around 50 telephone calls a day from our members and from the public. Many of those in need have been referred to the Association either by the court, through Legal Services of Eastern Michigan, or by one of our members. We manage all of these



Ramona Sain

activities, plus a few others not mentioned, with three employees.

The Board of Directors is monitoring the financial situation very closely and the Marketing and Public Relations Committee was reorganized and renamed the Membership Committee. Jerry Winegarden volunteered to spearhead a membership drive with the goal of recruiting 50 new members, which will help offset a deficit. Other committee members include Kurtis Brown, Chris Christenson, Jonathan Hartman, Jonathan Holt, Morgan Jake-way, Steven Iamarino, David Leyton, Jeremy Piper and H. William Reising. If you would like to help the association with membership recruitment, please contact Jerry Winegarden or me.



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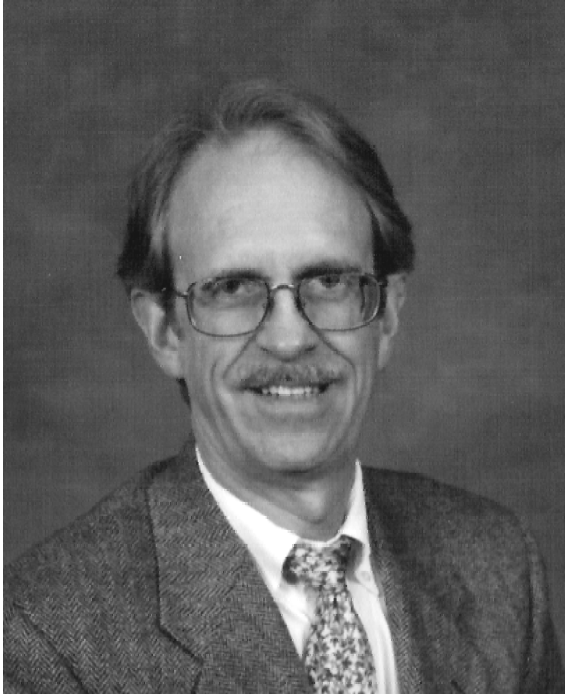
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From the Navy to the Law

by Norman Gottlieb

The picture to the right shows me being hauled in for purported disorderly conduct at the US Naval Station at Guantanamo Bay in Cuba, 60 years ago. Here is how I arrived at that unfortunate point in my military career.

I had enlisted in the Navy out of high school on my eighteenth birthday, and enrolled in the Medical Corps training program. I anticipated having the advantage of a service-related medical experience for my U of M Medical School application after the war.

I earned my First Mate rating and was assigned as an Operating Room Technician to the ship's doctor aboard the USS Spokane which was a "light" battle cruiser, with a crew of 129. Following a shake-down cruise in the mid-Atlantic, we were directed to the Gitmo Bay facility for repairs. Our "exemplary" services to the injured and disabled crew earned my section a five hour shore leave. With limited time to do so, we began to celebrate as soon as we hit the ground. It was there (on the ground) that the shore patrol accosted me and demanded that I "put my finger to my nose and walk the line." I found my nose easily enough, but I just could not see the line, much less walk it straight. I was put on report for "drunk and disorderly conduct" and hauled before the hearing officer of the day. He was a young ensign, who had had a freshman year at Harvard Law School, and then transferred to officer training status for his commission.

I entered my "not guilty" plea with the defense that I was not drunk, but merely seasick. He opined that considering the uncontested fact that I was on dry land at the time of the (alleged) offense, he would only dismiss the charge if I could rebut the reasonable presumption of intoxication. I explained that I had just come from four full months at sea, and that as I

approached the gangplank, the very thought of getting back on the ocean made me truly ill.

In dismissing the charge, he advised that I was wasting my time in medicine, and should transfer to Judge Advocate School. He said he himself would recommend my application. Now, when people ask me how I happened to become a lawyer, I tell them "three extra beers"!



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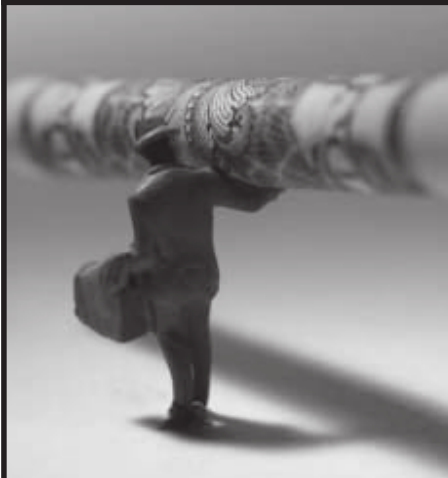
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Chief Judge to President

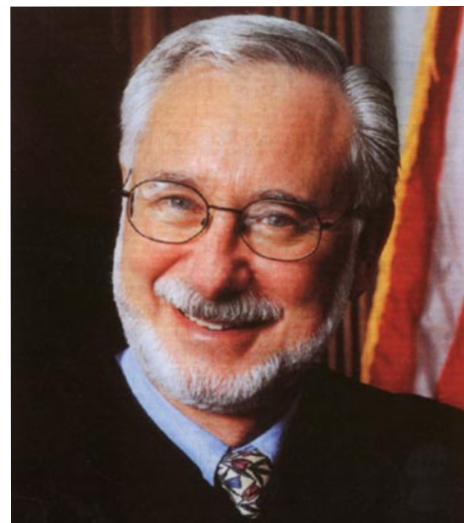
by Francine Cullari

Robert Ransom, until recently Chief Judge of the Genesee County Circuit Court, has been elected President of the Michigan Judges Association. Ransom held the post of Chief Judge for 16 years, during which several exceptional improvements were made for the residents and legal community. The most widely-known success of his administration is the Courthouse Square Project, which includes the restoration of the Saginaw Street courthouse and the construction of the new addition on Beach Street. Judge Ransom continues to develop ideas for the interior of the restored building, to add to the rich history now displayed on its walls.

The most rewarding judicial achievement for Ransom, however, was the institution of his brainchild, a drug court for the county. Ransom reports

that, in many ways, judges are glorified social workers, touching lives, often improving the future for litigants. Drug court is an ideal venue for setting a defendant in a new and better direction. With Judges Yuille, Beagle and Gadola, the court has had an 80 percent success rate with offenders. With the recent funding-agency limitation that drug courts can only process defendants who are "prison-bound", the success rate is understandably lower, but still a healthy 50 percent.

Ransom also developed the first Judicial Council in Michigan, a group of the circuit, probate, and district judges in the county, by convincing the courts to issue a joint administrative order for cooperation. The council meets monthly to coordinate efforts in the judicial system and address jail overcrowding



Robert Ransom

on a regular basis.

Numerous grants exceeding three-quarters of a million dollars have been awarded to the court at Ransom's instigation, including the Next Generation Trial Court Project for Court innovation, the Legal Information Center.

The creation of the Family Division took many months of preparation

Continued on page 9.

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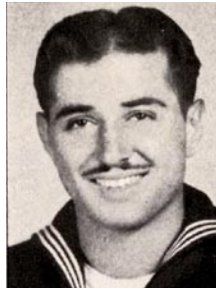
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Ira Bare



Robert H. Bellairs



Shaker Brackett



Howard Bueche



Max Dean



Hon. Philip C. Elliott

GCBA Members Who Served in World War II

Ira D. Bare

Navy 1942-6
pilot training, transferred to Marine Corps 2nd Lieutenant, B-25 twin-engine bomber pilot, Stateside and Guam

Robert H. Bellairs

Air Force 1944-6
1st Lieutenant, C-47 cargo pilot, transported paratroopers and gliders, European front (England, France, Germany) Air medals, Battle of Bastone and the Holland invasion

Russell Bowers

Army 1942-6
Warrant officer, Junior Grade, Judge Advocate General's Department, South Atlantic, Belim and Natal, Brazil

Shaker Brackett

Navy 1945-6
Third Class Petty Officer, ship barber, Philippines

Melvin Bragman

Army Air Corps 1943-5
Corporal, radio operator/mechanic

Howard Bueche

Navy Air Corps 1944-6
3d Class Petty Officer, radio-man gunner, PBM for patrol plane, Stateside

Robert A. Burchfield

Navy 1945-6
Hospital Corpsman, administrative and ward work Bainbridge Navy Hospital, Maryland

Max Dean

Marine Aviation 1942-6
1st Lieutenant, dive bomber pilot in support of ground activity, South Pacific
Distinguished Flying Cross and Air Medal

Hon. Philip C. Elliott

Navy 1944-6
V-12 officer training, then regular Navy; for the Korean War draft, V-12 time did not count so he was drafted again after law school
Seaman, swabbing decks in WWII; Sergeant, Army JAG office in Korean War Caribbean in WWII

Sanders A. Goodstein

Naval Reserve Officer, U of M in 1940, discharged in 1956, Lieutenant commander, amphibious force Atlantic east coast US
Two battle stars

Benzion Gotlib

Army 1942-5
Quartermaster, company clerk for incoming supplies Fort Benning, Georgia

Norman N. Gottlieb

Navy
Medical Corpsman, battle station duty in the North Atlantic on the USS Spokane; when USS Hope hospital ship was commissioned 1944, promoted to PHM 3rd, and transferred aboard as an operating room nurse, North Atlantic

William J. Hayes

Marine Corps 1946-8
Sergeant, stenographer Stateside

Arthur Hurand

Army 1941-53
Captain Adjutant of field hospitals, Administrative Executive of station hospitals, European-African Middle Eastern Theater Campaign Medal with two bronze service stars, World War II Victory Medal, American Defense Service Medal

Ivor R. Jones

Army 1941-4
Ranger, Lieutenant upon discharge, D-day landing at Normandy and attended the 60th reunion at Normandy Purple Heart

Paul Lazar

Navy 1945-6
Troop ship, passed by Iwo Jima, Okinawa; in Sasebo and Tokyo, Japan, and Shanghai, and Tsingtao, China; returned by way of Suez and Gibraltar

Robert Mainprize, Jr.

Air Force 1944-6
Corporal, flight engineer for Brigadier General Butler in South Pacific, Australia and Japan

Edward J. Neithercut

Naval ROTC, U of M 1943-4
Commissioned as Ensign in 1944, Officer-in-Charge of a coastal minesweeper Panama, Charleston, South Carolina, Galveston, Texas

Gilbert Y. Rubenstein

Enlisted in Army 1942-5
Clerk in North Africa and Italy, ended his duty with the staff judge advocate section in Marseilles as Master Sergeant, Awarded a Certificate of Merit from U.S. Army, ETOUSA, 1945, EAME Theater Ribbon with two bronze stars and a good conduct medal

Jack C. Straley

Army 1942-6
2nd Lieutenant, Air Corps, infantry, Transportation Corps, coast artillery, anti-aircraft U.S. and Europe (England and France)

Earl G. Swain

Army 1944-46
Sergeant, 78th Infantry Division, rifleman, Europe, two battle stars, Rhineland and Central Europe Campaign; Combat Infantry Badge

John M. Wright

Army 1942-5
(originally in Air Corps but volunteered for infantry)
Private, 104th Infantry Division France, Belgian, Holland, Germany, Battle stars (3) for Utah Beach, Holland invasion, Battle of the Bulge; Bronze Star, Purple Heart

Information was not received for the following GCBA members who served in WWII:

C. Rees Dean,
Robert A. Folen
L. James Hicks
Kittredge R. Klapp



Norman N. Gottlieb



Arthur Hurand



Ivor R. Jones



Robert Mainprize, Jr.



Gilbert Y. Rubenstein



Jack C. Straley



"You blokes leave an awfully messy battlefield."



Earl G. Swain



John M. Wright

*Please join us at the
May 16, 2005 Membership Meeting
honoring "Those Who Served"*



"Awright, awright
— it's a general! Ya wanna pass in review?"

Chief Judge to President...

and has resulted in several successes: specialized judges for family matters, release of other judges for complex litigation, concentration of family services, and a comprehensive referee system

Being chief judge is not as romantic as it sounds, but rather a tremendous amount of additional work. New Chief Judge Hayman is learning that quickly and commented to Ransom recently that he had no idea how much work Bob had done. Recognizing that the position limits the amount of time for regular affairs, the Supreme Court does allow chief judges to reduce their caseloads. Ransom never did, finding that the Circuit judges were always overburdened.

Ransom looks back on 28 years on the bench and finds the drug court to be the most rewarding experience. He also derived satisfaction from administrative improvements, which do not interest many chief judges. On the negative side, he has always regretted the growth in the volume of work as the years passed. In the early years, he had time to research the law himself in

addition to cases cited by attorneys, and to reflect on their meaning, their application to the case at bar, the impact on the litigants. Now the volume requires him to make decisions with less contemplation.

Now Judge Ransom looks forward to his stewardship of the Michigan Judges Association (MJA), presiding over Circuit and Court of Appeals judges (active and retired) and retired Recorders Court judges. His agenda will keep him busy for the year with replacing the recently retired Director, meeting with the Governor, the Supreme Court, and the legislature, and arranging the Annual Conference on Mackinaw Island this year. He will continue with Drug Court here and, at the State level, seek to secure stable funding for the drug courts throughout the state. A pressing issue for the MJA is health care for retired judges. Although the state assumed the salary of judges some years ago, it left benefits to the counties. In some counties, there are no benefits for retired judges. Ransom hopes MJA can promote a plan to eliminate the disparity.

Continued from page 7.

In addition to his duties, chief judge, Ransom continued to be an adjunct faculty member at Cooley (having been on the first full time faculty when the school opened), on the first faculty of the Michigan Judicial Institute, and on the Supreme Court Standard Jury Instructions Committee for 21 years. As committee members, George Sinas and Ransom prepared all of the no-fault jury instructions. Ransom also finds time to be on the Board of the Crim Festival of Races, the Mott Community College Bruins Club founded by Hon. Tomas Yeotis, and the Board of Trustees of Adrian College, from which he received his bachelor's degree and an honorary LL.D.

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Letters to the Editor

Dear Editor:

I would like to think that, after more than 40 years of practicing law, I have learned to ignore petty behavior and jealousy exhibited by other lawyers. Scandalous libel is another matter entirely. Two issues ago, Bar Beat printed a photograph of me holding an eleven-pound Great Northern Pike, skillfully extracted from the waters of Walloon Lake. The photograph was given to the GCBA for use in Bar Beat at the specific request of one of its highest ranking representatives¹ who was appropriately impressed by its length, girth, and overall good looks.

Dennis Haley has seen fit to publicly question the authenticity of my achievement. I was, and continue to be, shocked at his diatribe (that means nasty letter, Dennis) in the most recent issue. No doubt he wrote it in the dead of night and snuck out of his home — none of his immediate family would have countenanced such conduct.

Dennis, a relative newcomer to the lake, asked to fish with me. I agreed, as a friendly gesture, without requiring him to demonstrate proficiency. What a mistake! He defamed my fishing rod, my location, positioning technique and secret spot as the reasons why he caught nothing. As they say, you can lead a horse to water...

His letter referred to the lack of eye witnesses and affidavits concerning my trophy catch. True, I was fishing alone. The photograph, however, was taken by a loved one who saw the fish alive as I brought it from my boat. Frankly, I dare Dennis to question her credibility. The (attempted) crowning blow in using Len Shulman as supporting authority on fishing was like citing Bill Clinton on abstinence.

Dennis, you owe me, and let me assure you, in language I know you understand, this debt is non-dischargeable.

Robert L. Segar

¹ Ed. note: Reportedly Jerry Winegarden.

Dear Editor:

As a retired Legal Assistant with 30 years experience I enjoyed reading about our retired Judges. I had the privilege of working for some in their offices and in their campaigns for election. At one time, we had stand-up files on our desks for each Judge because not one of them operated the same. Every Order and Judgment was different depending on that Judge's requirements.

Somehow, I found myself present in Judge Resteiner's Court when he was performing a marriage ceremony for a couple who had been together for over 20 years and had children who did not know their parents were unwed. The prospective wife was in a very large white dress, the husband-to-be was drunk, and they had tin cans tied on the back of their car outside of the Court House. Judge Resteiner was unable to complete the ceremony without laughing, as were all of us in the Courtroom.

Judge Washington issued an Order in a very controversial case, and the poor attorney who won was so fresh out of law school he did not know how to prepare an Order. He ran across the street to Judge Mansour's office, and I typed the Order for him.

A classic was when Judge Elliott took me aside one day and suggested that I take the Bar exam because I had more sense than most attorneys practicing before him.

I have many fond memories of these Judges, and will keep my promise of silence regarding a few stories.

Judy Climer

Domestic Relations Mediation

by Barbara Menear

MCR 3.216 is the governing court rule for domestic mediation. It is generally a process whereby a trained neutral mediator works with the parties to reach an acceptable resolution to the issues involved. Unlike a judicially imposed resolution, the parties seek to find common ground and forge a voluntary settlement. The job of the mediator is to help the parties communicate with each other and find mutually beneficial solutions.

In May 2004 a mediation motion pilot program began in the courtroom of Judge David J. Newblatt. The purpose of the program was to educate the court, parties and attorneys about the benefits of mediation in the area of family disputes. It also provided the opportunity for prospective mediators to observe, co-mediate or conduct mediation to completion. Nine domestic mediators have been qualified since May. Judge Newblatt has been enthusiastic about and cooperative with the project.

The program is administered internally by the judicial support staff for Judge Newblatt and externally by the Community Dispute Center (CRC). The judicial staff and the CRC review files, in advance of motion day, to determine suitability of participa-

tion. Evidence of domestic violence will prevent a referral. If parenting time or other issues amenable to mediation are identified, the parties are ordered into mediation and notified by CRC staff.

Since beginning the pilot project, 117 cases have been referred to mediation and 74 reached an agreement. Attorneys may choose to attend the mediation. If attorneys represent a party, they are consulted before their clients sign any written agreement.

In July 2004, a personal protection order mediation project was started in the courtroom of Judge Duncan M. Beagle. 15 motions were referred and 11 matters were mediated to agreement.

Based on the above experience, in November 2004 the court adopted a local administrative order governing an ongoing mediation program that will refer select post

judgment parenting time disputes to mediation. Approximately 30 cases per month are referred to the CRC.

The hallmark of mediation is the ability to tell your side of the story and participate in crafting a solution.

Why mediate?

- Issues are not aired in open court
- Non-adversarial environment promotes aura of trust and confidence
- Voluntary agreements have a high compliance rate
- Techniques learned in mediation may solve future conflicts
- Communication skills are learned- especially important when young children will keep the parties connected for a lifetime
- Average mediation takes 1.5 hours

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2004 GCBA Golf Outting at Flint Golf Club



(L-R), Jim Gooch, Robert Sippell, Kraig Sippell, Kirk Sippell



(L-R), Chuck Asaro, Janey Dillard, Jim Dillard, Bob Chimovitz



(L-R), Jeff Birrell, Fran Wade, and friends



(L-R), Edward Henneke, Scott Fraim, and friends



(L-R), Tony Vance, Jeff Clothier, Jay Clothier, Jeff Hoppie



(C-R), Carl Mason, Hon. Richard Hughes and friend

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