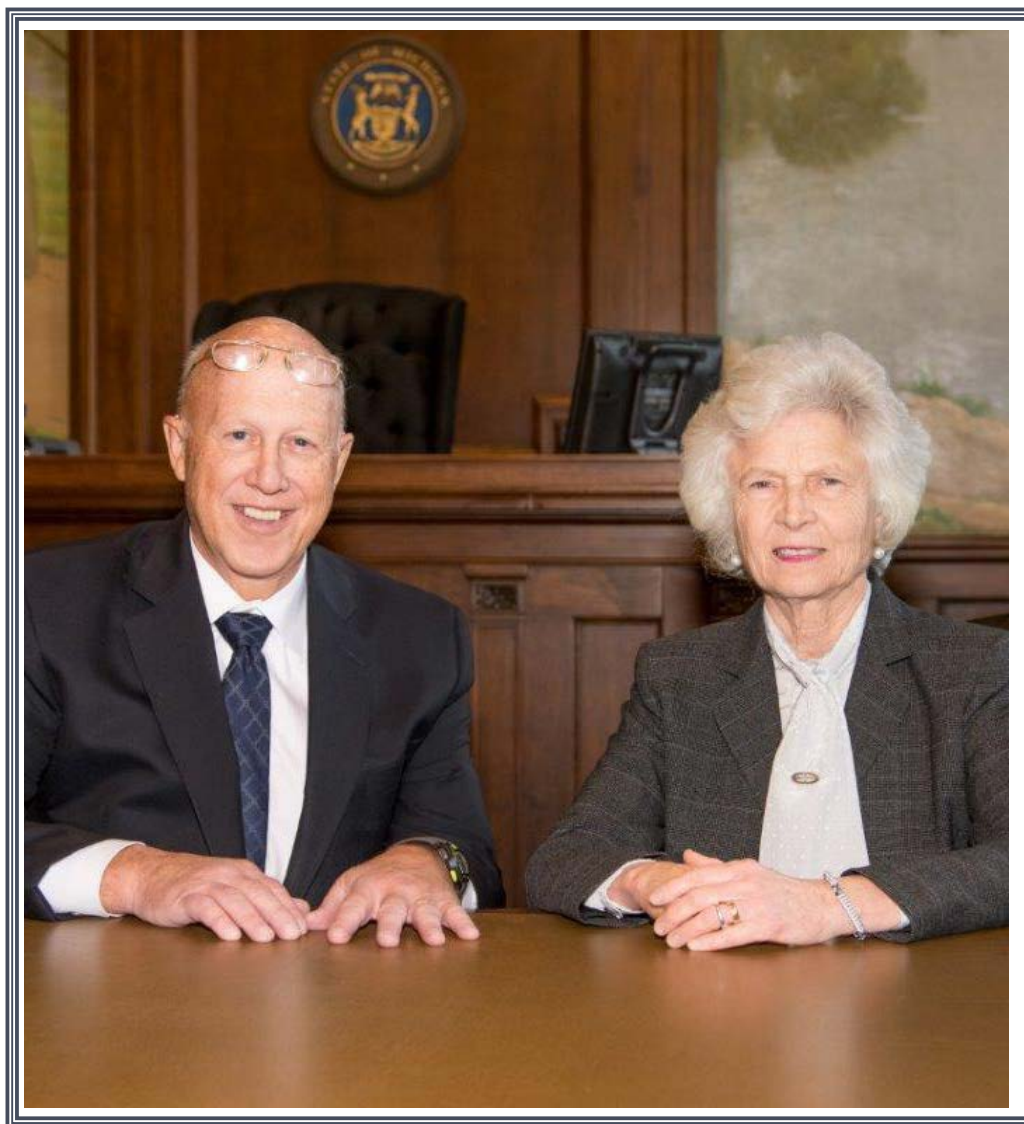


November/December 2018

BARBEAT

Genesee County Bar Association



Holiday Activities and Training Scholarships
The Right Stuff: The Ethics of Referral
Bankruptcy Hits Retirees Hard
Board Member Profile: Craig Datz
2018 Holiday Dinner

Making ICLE Classes More Affordable
Mental Health Courts: Trying to Make the System Work
Reflections on Civility: A View from the Bench

Protecting your health. Today.



You plan every detail of your practice to ensure its success. Nothing is left to chance.

Don't take chances with your health insurance. You and your staff deserve a quality Blue Cross® Blue Shield® of Michigan health plan.

- Group plans
- Individual plans
- Recognized worldwide
- Solutions tailored to your needs

To learn more about the affordable BCBSM plans, contact Member Insurance Solutions.

Call **800.878.6765** or visit memberinsurancesolutions.com today.

Protecting tomorrows. Today.



A nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association



Member Insurance Solutions is a marketing name of MDA Insurance & Financial Group.
Blue Cross Blue Shield of Michigan is a nonprofit corporation and independent licensee of the Blue Cross Blue Shield Association.

Genesee County Bar Association

2018-2019 Board of Directors

PRESIDENT – Jessica J. Hammon
VICE PRESIDENT – Sherri L. Belknap
TREASURER – Michael A. Tesner
SECRETARY – William J. Brickley
IMMEDIATE PAST PRESIDENT – Hon. Mark W. Latchana

Specialty Bar Board Members

Young Lawyers Delegate – Craig Datz
Women Lawyers Delegate – Samantha J. Orvis
Mallory Van Dyne Scott Bar – I'Lanta Robbins
Flint Trial Lawyers Representative – Dean T. Yeotis

Board Members

Craig R. Fiederlein '19	Chadd O'Brien '19
Patrick J. O'Callaghan '19	Angela Wheeler '19
Anthony K. Chubb '20	Roxane M. Kaye '20
Eric J. Mead '20	
Hon. Geoffrey L. Neithercut '20	
Vinson F. Carter '21	Elias J. Fanous '21
Nancy Chinonis '21	Paul J. White '21

Staff

Tatilia Y. Burroughs, Executive Director
Eileen M. Harris, Office Manager
Starlynn J. Estep, LRIS Specialist

Bar Beat Editor

LindaLee Massoud
BarBeat@gcbalaw.org

Bar Beat Assistant Editors:

Roberta J.F. Wray
Shelley R. Spivack

Genesee County Bar Association

315 E. Court St., Flint, Michigan 48502-1611
(810) 232-6012

For editorial information, call (810) 232-6000.

Published bimonthly 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.

Table of Contents

- | | | |
|----|---|--------------------------|
| 4 | Holiday Activities and Training Scholarships | by Jessica J. Hammon |
| 4 | The Right Stuff: The Ethics of Referral | by Francine Cullari |
| 6 | Bankruptcy Hits Retirees Hard | by Rachel Hawrylo |
| 6 | Board Member Profile: Craig Datz | |
| 7 | 2018 Holiday Dinner | by Brian M. Barkey |
| 8 | Making ICLE Classes More Affordable | by Roberta J.F. Wray |
| 8 | Mental Health Courts: Trying to Make the System Work | by Hon. Jennie E. Barkey |
| 9 | Welcome New Members | |
| 10 | Reflections on Civility: A View from the Bench | by Sandra D. Carlson |

Advertisers

Blue Cross Blue Shield of Michigan
inside cover

Larry Day 3

Tom R. Pabst, P.C. 4

The Law Office of James J. Wascha 5

Jakeway Injury Law 8

Robert M. Ransom 9

Hamo Law Firm 11

LawPay
back cover



Cover Photo

Outgoing Judges Geoffrey L. Neithercut and Judith Fullerton.



Larry Day

Attorney

Elk Rapids & Grand Blanc, MI
www.lawrencedaylaw.com

(810) 603-3400

Legal Help For Injured People

Experience—Personal injury attorney since 1980

Offices in Grand Blanc and Elk Rapids, Michigan

Member Genesee County Bar Association

Member Grand Traverse-Leelanau-Antrim Bar Association

Referral fees honored and confirmed in writing

ACCEPTING REFERRALS IN NORTHERN & SOUTHERN LOWER PENINSULA

AREAS OF INTEREST:

- Motor vehicle accidents
- Scalding tap water burns in baths and showers
- Serious injuries per "REAL PEOPLE—REAL RESULTS" at www.lawrencedaylaw.com
- FINRA Complaints seeking damages for sale of unsuitable variable annuities

Holiday Activities and Training Scholarships

By Jessica J. Hammon, President



Jessica J. Hammon

Hanukkah, Christmas, Kwanzaa, the Winter Solstice. November to December is a time of being thankful and of recognizing our small place in this big world. We spend time with the people we love and cherish them just a little bit more than the rest of the year. It is also a time of giving. Of course, here at the GCBA we have our holiday dinner where we truly embrace the reason for the season. Every year we feed hundreds of people who truly need our help. We provide warmth, sustenance, and a little good cheer. Children and parents receive hats and scarves, and the kids get gifts and have their pictures taken with Santa. Now, thanks to a new program, the kids also receive a book to take home. There are so many ways to volunteer for our most important event of the year. Of course, you can volunteer at the event itself, but you can also help with set up and take down, you can help wrap gifts, or you can knit some hats and scarves. And don't forget, you can make a monetary donation for without the generous

financial support of our members all of this would not be possible! Please, as a personal favor to your president, do something. It doesn't have to be big, just do something – I promise the feeling you get will be all the payback you need.

The second thing I want to talk about is an exciting new benefit for many of our members. Thanks to the Neithercut family, the Bar Foundation is offering a fantastic program for members in private practice. If you attend an ICLE seminar or training, the Bar Foundation will reimburse one-half of the registration fee! So many times I hear people talk about needing continuing training, wanting to attend seminars and conferences, but not being able to afford it. Now we have some help. Please, take advantage of this wonderful and generous opportunity! For detailed information see article on page 8.

The Right Stuff: The Ethics of Referrals

By Francine Cullari

Over my 30 plus years of practicing law, I have occasionally referred clients to other attorneys. I have been intrigued and amused by how different attorneys handle referrals.

There was the attorney who sent a lovely Christmas gift, albeit no fee. His comment: "I forgot to have the client sign a contingency fee agreement and could only charge him by the hour." I decided not to refer any more clients to him.

I sent a number of clients to another attorney who always represented my clients well. He sent flowers once and always

paid an agreed referral fee, though I sometimes had to remind him. He was always gracious once I did ask.

When I stopped accepting divorce work, I sent potential clients to one or two colleagues without asking for a referral fee or receiving an offer of one; and, never received a gift, a thank you or a referral back for my fields of practice.



Francine Cullari

Tom R. Pabst, P.C.

2503 S. Linden Rd., Flint, Michigan



(810) 732-6792

tomrpabstpc.com

Local Attorneys Obtaining Justice for Genesee County Citizens for Over 40 years



Focusing especially in claims for –

- Personal Injury/Wrongful Death/Medical Malpractice
- Commercial litigation including fire loss, breach of contract and minority shareholder oppression
- Wrongful Discharge
- Whistleblower Protection Act
- Constitutional law, including 1st Amendment and 4th Amendment excessive force cases
- Civil Rights/Discrimination
- Family Medical Leave Act



Referrals –

- We make it the highest priority to analyze referrals from Genesee County attorneys
- Paid millions in referral fees

I kept sending my clients to them, however, because the clients always thanked me for the fine referrals.

The most memorable experience was surprising and quite contrary to the above recollections. I referred a client to an attorney to discuss mediation for a \$300,000 case. We had no referral arrangement, as I expected the client to have one consultation with the colleague. As the client went through mediation with a different lawyer representing him, he circled back to me and to the consultant, unbeknownst to me, for quarterbacking. Sometime into the case, the consultant contacted me to say his hourly fee had grown quite a bit and *voluntarily* offered me a referral fee. When I said it was unnecessary, he *sent* me a referral fee. I will be sending more clients to that attorney, who had the right stuff.

How should you handle referrals?

1. Follow the MRPC rules, opinions and cases. All the information is on the SBM website, and the Ethics Helpline at (877) 558-4760 is invaluable
2. Ask the accepting attorney about his/her fees. If they seem out of line, reconsider your referral.
3. Have a referral fee arrangement in writing. Include a provision that the fee will not increase by virtue of the referral. The fee arrangement between the lawyers who divide a fee is a matter of contract between the lawyers.
4. Advise the client properly and have the client sign a simple statement with the identity of the lawyers, what services each lawyer will provide, which lawyers will be responsible for the matter, and that there is no objection.
5. For the accepting attorney, keep your referring attorneys happy. Consider a thank you note *for each referral*. In addition to the referral fees, take them to lunch on occasion, have an annual get-together, send holiday cards and a gift once in a while. I'll be looking forward to mine!

The Michigan Rules of Professional Conduct Rule 1.5(e)¹ provides that a division of a fee between lawyers who are

not in the same firm may be made only if the client is advised of and does not object to the participation of the lawyers involved and if the total fee is reasonable. This typically applies when a lawyer lacks the expertise or time to handle the legal needs of the client.

Some variations have generated ethics opinions *guidance* from the Standing Committee on Professional Ethics.²

RI-124. The client's bill is not to be increased because of the referral fee.

RI-116. If a lawyer cannot accept a client because of a conflict of interest, it is *not* ethical for that lawyer to receive a referral fee for referring the client to another lawyer.

RI-158. If a lawyer is not competent to handle a particular matter and the client does not consent to the payment of a referral fee, the lawyer still has an ethical duty to refer the client to competent counsel without a referral fee.

Other Ethics Opinions of interest include numbers RI-030, RI-199, RI-211, and RI-224.

(Fee sharing with non-lawyers in MRPC 5.4(a)⁴ and the rule for attorneys emeritus⁵ are not addressed in this article.)

Endnotes

- 1 <http://courts.mi.gov/courts/michigansupremecourt/rules/documents/michigan%20rules%20of%20professional%20conduct.pdf>
- 2 <https://www.michbar.org/opinions/ethics/articles/feb00>
- 3 <http://courts.mi.gov/courts/michigansupremecourt/rules/documents/michigan%20rules%20of%20professional%20conduct.pdf>
- 4 *Ibid.*
- 5 <http://www.michbar.org/file/generalinfo/pdfs/4-21-07emeritus.pdf>

The Law Office of
James J. Wascha
9802 Burning Tree
Grand Blanc, MI 48439

- Mediation
- Arbitration
- Facilitation
- (Special Panel) Case Evaluations
- Injury
- Employment
- Medical Products
- Discrimination
- No Fault

Alternative
Dispute
Resolution

810-813-3748
jw@waschalaw.com



Bankruptcy Hits Retirees Hard

By Rachel Hawrylo

The number of elderly people filing bankruptcy in the United States is on the rise, and the cases are just going to increase in the next couple of decades. The economy is better than it has been in some time and the housing market is making a strong comeback, so you might be asking yourself why bankruptcies amongst seniors have become so prevalent.

First and foremost, baby boomers make up a large portion of our population, and that group is starting to hit retirement age. With most companies having done away with pensions, a majority of people will be left only with Social Security benefits and whatever they were able to sock away in their 401(k) or similar retirement plans (and didn't lose when the economy crashed in 2007/2008). For many baby boomers, this means a significant reduction in income available to pay bills as they become due.

While limiting spending may seem like a perfectly simple solution, it isn't quite that easy. People may not have planned for the income reduction and set their lifestyle based on the income they had while they were working. Their mortgage becomes a large portion of their budget and they struggle to make the payment each month. If the property is underwater and cannot be sold, and the lender is unwilling to grant a loan modification to the retiree, the property will eventually end up in foreclosure. With Michigan being a deficiency state, the retiree would then be liable for the difference between what they owed and what the property was able to bring at sheriff's sale. Likewise, the person may have purchased a vehicle prior to retirement that they can no longer afford, and with the reduction in monthly income cannot refinance. The vehicle ends up being repossessed and sold at auction, but the retiree is still liable for the remaining balance of the loan. These debts are often significant and really give the retiree no other choice but to file bankruptcy.

Increasing medical costs are also a contributing factor to the high number of baby boomers filing bankruptcy. Not

only have companies done away with pensions, most employers no longer offer the fringe benefits once afforded to their retirees. Now, the elderly are expected to pay for their own medical insurance and have higher premiums and copays than in the past. Not to mention the fact that at some point, the elderly may require assisted living services which come at an astronomical cost.

All of these factors cause higher than anticipated monthly expenses, making it difficult for the elderly to maintain the credit card payments, mortgage payments, and other debt payments that they could once afford. Additionally, more and more elderly people are helping their children and grandchildren financially. This usually results in increased credit card usage and high monthly credit card payments that become unmanageable on a fixed income. Sometimes the retiree takes out credit cards in his or her name or is merely a co-signor and allows the child or grandchild to use the card as long as he or she makes the payments. This becomes a problem when the child or grandchild defaults on the promise to pay and the parent or grandparent is still liable for the debt but cannot afford the monthly payments. The only option to stop collection activity against the retiree may be bankruptcy.

As baby boomers age and the population of elderly in America continues to grow, it is important to properly counsel your clients who are close to retirement on the proper planning techniques to help them avoid filing bankruptcy after they stop working. The high number of bankruptcy filings amongst the elderly should also be a lesson for young people to begin planning for retirement at an early age so that they don't end up in the same financial position that many baby boomers are in today.



Rachel Hawrylo

Board Member Profile

Name: Craig Datz

Undergraduate school, degree and grad year: University of Michigan B.G.S. 2011

Law school and grad year: Cooley Law School 2015

Bar Association member since: GCBA (2018), State Bar of Michigan (2016)



Craig Datz

2018 Holiday Dinner

By Brian M. Barkey

Can you believe it – this will be our 28th GCBA/GCBF Community Holiday Dinner!!

This endeavor began modestly with a vague charitable intent to feed the needy people in Flint a free holiday meal. So we got the help of the Masonic Temple, the Temple Dining Room and dozens of our members and tried this out. At our first Dinner and since, we learned that we had underestimated the reception of this event by our audience. Historically we have fed as many as 1200 people at a single event. And to a larger extent, we learned that we had underestimated the reception of this event by the GCBA members. Last year we had two shifts with a total of 201 volunteers to work on the Dinner, including 25 “Captains.” And most incredibly, the GCBA has completely funded 27 annual Dinners with voluntary contributions.

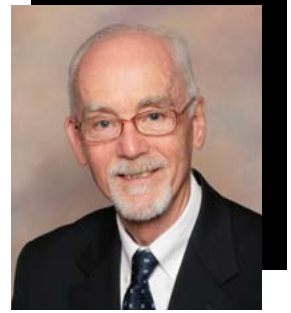
We started out just feeding people, but soon we decided to add some things. Almost immediately we bought and gave free gifts for all of the children who attended. Even Santa Claus joined us and allowed us to take pictures with the kids as a free souvenir. Last year, we distributed 386 toys.

We soon realized that many of the people who came to the Dinner were underdressed for the weather, and a

group of volunteer attorneys spent the rest of the year knitting and distributing hats and mittens. We could not keep up with the demand. We bought winter attire when it went on sale during the year and began to distribute this. You know where this led. Last year we distributed 718 hats, gloves and mittens at the Dinner, and we still we ran out by 6:00 o'clock.

Last year Linda Pohly found a charitable organization that would furnish free books to events like ours for the cost of shipping them to us. And you know what happened – we distributed 318 books to children who attended the Dinner. They were wonderfully received. We noticed that children who attended gave their toys to their parents to take home but would not give up their books.

Please help us with this wonderful event this year. Our fund-raising goal is the same as last year: \$17,000. You have never let us down. And if you can, please consider volunteering to work on the Dinner. If the first 27 annual Dinners are any indication, it will make your heart grow in your chest, I promise you.



Brian M. Barkey



2017 Holiday Dinner



G-8161 S. Saginaw Street, Grand Blanc, MI 48439
(810) 694-1211 ☎ www.JakewayInjuryLaw.com

- ☎ Your Genesee County Personal Injury Referral Connection
- ☎ Accepting Referrals in All Injury Matters
- ☎ Millions Paid Out to Referring Attorneys

Auto-Negligence ☎ Premises Liability ☎ Medical Malpractice ☎ General Negligence

Making ICLE Classes More Affordable

By Roberta J.F.Wray

GCBA members of all ages and experience levels have a new opportunity to keep up with their continuing legal education. An experiment of the GCBA Foundation is offering grants that reimburse attorneys for half the cost of tuition to any Institute of Continuing Legal Education (ICLE) Seminar of the State Bar of Michigan (SBM).

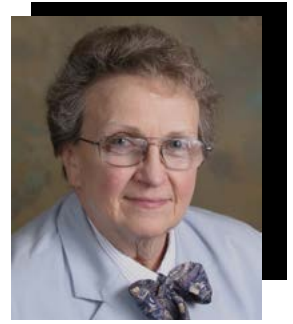
The funds for the program will be allocated from the Neithercut Fund up to a maximum of \$10,000 in the first year. To qualify, an attorney must be in private practice, be a current full member of the GCBA and prove paid attendance at any ICLE Seminar offered by the SBM. The scholarship grant cannot not exceed \$300 per attorney per year.

The scholarship is the brain child of GCBA past president Randolph Piper. He presented the idea to Attorney Edward Neithercut and Judge Geoffrey Neithercut, whose family endowed the Neithercut Fund. "We are very excited about the prospect of helping attorneys afford the ICLE class fees," said Judge Neithercut. "We want a highly skilled group of attorneys in Genesee County. We recognize that

some lawyers cannot afford the class fees which sometimes are quite high."

Piper said he knew the Neithercuts had wanted to make access to continuing legal education easy and affordable. He said, "We have no idea how many ICLE seminars Genesee County lawyers attend." Thus the initial proposal was made of \$300 per attorney per year for as many individuals as will fit within the \$10,000 cap. Said Piper, "When I was a young attorney the ICLE fees were around \$150, but they've really gone up. This program will be good for our attorneys and good for the community, too, helping provide well informed professionals to meet their legal needs."

Applicants must be in the private practice of law. The grant will be administered by the GCBA, which will be reimbursed for actual administrative time and expenses up to \$1,000 in a year. The proposal was approved by the board on September 23, 2018.



Roberta J.F. Wray

Mental Health Courts: Trying to Make the System Work

By Hon. Jennie E. Barkey

It is hard to believe that it has been 11 years since our first session of Adult Mental Health Court (MHC). This program is for those who are mentally ill and, as a direct result of not accessing or complying with the appropriate treatment, get themselves into trouble. Instead of going through the traditional route of incarceration, probation, and back to incarceration, participants in MHC are court-ordered to utilize treatments available to them. Once stable on medications, we address all other aspects of their lives. We help participants with access to housing, transportation, employment, education, substance abuse counseling, or parenting classes. Each participant gets individualized services. We do this because the untreated or under-treated mental illness that got them in trouble often times had deep and long-lasting effects in other areas of their lives.

While the needs differ for every participant, the promise is the same: if they comply with their medication and the program, we do everything possible to assist them in getting their lives back on track. Our goal is to put them in a position to live their lives without ever having to set foot in

jail or prison. MHC offers another path. Some choose to follow it. Some stumble along the way.

By way of example, let me tell you about Mr. B. He started MHC in the winter of 2017. This was his second referral to the program. His failure to comply with the program the first time resulted in his termination. Given his record, if he did not make it this time, prison was his next step. But this time he got on his medication, and more importantly, got on the *right* medication. That took a while, but he showed patience. He was ready to work, volunteer, whatever we wanted done next. He told me his dream was to be an author. Within a few months, he was writing books illustrated by his daughter. Before he graduated, he had multiple books published. Mr. B appeared before me recently for a different hearing. The change from the man I met in the winter of 2017 to the man who stood at the podium was astounding.

Next, I want to tell you about two young men, Mr. W and Mr. T (no, not *that* Mr. T). Both came to MHC with



Hon. Jennie E. Barkey

deeply destructive substance abuse problems. If Mr. B was headed to Jackson, Mr. W and Mr. T were well on their way to Gracelawn Cemetery. Both had suffered abuse as children. Both were diagnosed shortly before or after they committed their crimes, were not taking their medication, and were refusing treatment. We found additional support to help Mr. W address the abuse he had suffered as a child. We had to find effective ways to keep his mother, who had introduced heroin to Mr. T, away from him. We tried everything for both of them.

Terminating Mr. W from the program was a difficult decision. But last chance after last chance, he continued to yo-yo between compliance with his medication and the convenient escapism offered by street drugs. He had been to all the short and long-term treatment programs available. I truly think he wanted to better himself. But the promise we made of stability and self-sufficiency didn't overcome the excitement that came from being off his medication and on heroin and cocaine. For Mr. W the drugs won.

For Mr. T, we lost an early battle but may have won the war. After months of clean drug screens and progress at an intensive inpatient facility, he relapsed. Never one to do anything half-way, once Mr. T started, he only stopped when he wound up as a John Doe at Hurley's ER. He convalesced



Judge Robert M. Ransom

7th Circuit Court Retired

- Private Judging
- Mediation
- Facilitation
- Arbitration

P: 810-659-6221 • C: 810-813-8090

e-mail: Ransom05@comcast.net

40 Years Judicial Experience

there for over two months before we found him. We got him into treatment and away from his major triggers, got him on medication that worked, and got him volunteering. Once he saw there was a world outside the one he had been in, a world where he could help others and feel good doing it, he stayed the course. As a recent graduate, he is one I worry about.

Since we started, we have had almost 700 referrals to MHC. Referrals come from my fellow judges, from prosecutors and defense attorneys, teachers, police officers, families, and even some victims. If you keep referring them, we promise to keep trying to get them back on track.



Welcome New Members

Attorney: Robert St. Cin

Employer: Genesee County Circuit Court
 Undergrad School: University of Michigan - Flint
 Law School: Western Michigan University Thomas M. Cooley Law School

Attorney: Bobbi Coates

Employer: Legal Services of Eastern Michigan
 Undergrad School: University of Michigan – Flint
 Law School: Wayne State University

Attorney: Eric Froats

Employer: Cline, Cline & Griffin
 Undergrad School: Oakland University
 Law School: Western Michigan University Thomas M. Cooley Law School

Affiliate: Sara Hinojosa

Employer: Piper Legal

Affiliate: Tracey Miller

Employer: Linda L. Pylypiw and Jessica J. Hammon

Affiliate: Gail Ann Redmond

Employer: Genesee County Circuit Court, Family Division, Referees' Office

Affiliate: Deadrea L. Smith

Employer: Genesee County Prosecutors Office, Civil Division

Reflections on Civility: A View from the Bench

By Sandra D. Carlson, President, Centennial Chapter American Inn of Court



Sandra D. Carlson

Changing of the Guard

This is the last term on the bench for Judges Judith Fullerton and Geoffrey Neithercut of the 7th Circuit Court. On November 6th, voters elected two new judges to this ten-seat court.

Standards for Conduct

In 1993, the Genesee County Bar Association adopted "Standards for Professional Conduct within Michigan's 7th Judicial Circuit" to assure civility and courtesy within the court system including lawyers' duties to other counsel, lawyers' duties to the court, the courts' duties to lawyers, and the judges' duties to each other.

The Centennial Chapter American Inn of Court Genesee County promotes these standards of civility in the legal community, and as such, asked Judges Fullerton and Neithercut, along with Judges Duncan Beagle and Joseph Farah, two other long-tenured members of the bench, to share some relevant observations and advice.

Judge Judith Fullerton has served on the 7th Circuit Court bench since 1982. During her time on the bench, Fullerton has seen a significant increase in out-of-town attorneys practicing in Genesee County civil court. "I don't see the same effective working relationships between attorneys as there were when they were practicing near the courthouse," she said. "There's a lack of knowledge of the local court rule to seek concurrence before filing motions. Many attorneys are unaware of MCR 2.119, have never met or spoken with opposing counsel, and simply file motions."

Judge Geoffrey Neithercut has served on the 7th Circuit Court bench since 1994. Neithercut believes his prior experience as a referee and nine years as a district court judge best prepared him for his position on circuit court. "I'd like to see candidates for circuit court judge have some prior judicial experience, whether as a referee, magistrate, or district court judge."

He agrees with Fullerton regarding out-of-town attorneys. "When the judge asks if the lawyer has talked to opposing counsel, he or she may have to admit that they've never seen each other before," he said, adding that the concurrence rule is indeed useful in promoting communication between attorneys.

Neithercut noted that out-of-town attorneys almost always speak highly of Genesee County at the conclusion of a trial. "Many comment on how prepared, civil, reasonable and pleasant the experience was. In fact, many would prefer to practice here."

Judge Joseph Farah has served on the 7th Circuit Court bench since 1998. For Farah, exercising judicial func-

tion with civility is crucial. "Civility comes from confidence, which is born from preparation and knowledge," he said. Civility, however, does little without impartiality. "The reputation of the most knowledgeable, efficient, or even thoughtful judge can become tarnished without it."

He believes litigants and counsel want judges to focus the zeal from advocacy into the demands of impartiality, preparation, even-handedness, and temperament. "If you come from the prosecutor's office, no litigant wants you to keep prosecuting as a judge."

Judge Duncan Beagle has served on the 7th Circuit Court bench since 1991. His 20 years as a high school basketball referee helped prepare him to be a judge. "Many of the same principles apply," he said. "You have to be fair and impartial, you have to know the rules, and then you have to make decisions based on the rules."

Beagle believes lawyers should try their cases without interference from the judge, except when proper objections are made that require a ruling. "When you have a spirited trial with multiple objections, it's similar to a basketball game," he said. "Ultimately, it's up to the judge to control. By following the court rules and rules of evidence, lawyers can make their respective arguments, the judge can make a ruling, and the case moves on."

Advice to New Judges

Judge Fullerton:

- Be prepared. Read every motion, look at the court rules, and know the supporting cases before you take the bench.
- Stay on top of your case load. It's not going to get any easier than it is today, so you might as well prepare carefully and do it now.

Judge Neithercut:

- Be prepared, patient and civil.
- Read every motion and brief ahead of time. If you don't understand an issue, re-read the case until you do.

Judge Farah:

- Focus on impartiality, preparation, even-handedness and temperament.
- Remember that competence breeds confidence which in turn allows for civility.

Judge Beagle:

- Be fair and impartial.
- Know the rules and then make decisions based on the rules.

HAMO

– LAW FIRM –

- Auto Accidents
- Motorcycle Accidents
- Trucking Accidents
- Wrongful Death
- No Fault Law
- Personal Injury
- Dog Bites
- Medical Malpractice
- Premises Liability
- Dram Shop

810-234-3667

614 S. Grand Traverse, Flint, MI 48502

www.HamoLaw.com

- ❖ Serving Flint and Genesee County for Over 35 Years
- ❖ We Always Honor Referral Fees – Millions Paid to Referring Attorneys
- ❖ GCBA Member since 1981 – 100% Locally Owned
- ❖ Statewide Practice

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

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

RETURN SERVICE REQUESTED


LAWPAY IS FIVE STAR!



In our firm, it's actually fun to do our billings and get paid. I send our bills out first thing in the morning and more than half are paid by lunchtime.

LawPay makes my day!

– Cheryl Ischy, Legal Administrator
Austin, Texas

Trusted by more than **35,000** firms and
verified **'5-Star'** rating on  Trustpilot

LAWPAY[®]

AN AFFINIPAY SOLUTION

THE #1 PAYMENT SOLUTION FOR LAW FIRMS

Getting paid should be the easiest part of your job, and with LawPay, it is! However you run your firm, LawPay's flexible, easy-to-use system can work for you. Designed specifically for the legal industry, your earned/unearned fees are properly separated and your IOLTA is always protected against third-party debiting. Give your firm, and your clients, the benefit of easy online payments with LawPay.



Special offer for
bar members.
Call for details

888-259-2367 or visit lawpay.com/gcba