

May/June 2014

BARBEAT

Genesee County Bar Association



Final Words from Fred
Proud to be Part of the GCBA
Over Two Centuries of Experience
Law Day 2014: American Democracy and
the Rule of Law: Why Every Vote Matters
Zonta Club of Flint Honors Local Female
Judges

Fraud Affects Business Valuations Too
Who's on the Bench? Hon. Larry J. Stecco,
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Bar Beat Editor

LindaLee Massoud
 BarBeat@gcbalaw.org

Genesee County Bar Association

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

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

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Final Words from Fred

By Erwin F. Meiers III, President



Erwin F. Meiers, III

Today I write my last article for *Bar Beat* as President of the GCBA. I do this knowing I have accomplished some of my goals but have been unsuccessful in others.

Our social network presence is expanding. Facebook is building as we communicate through the forum to our members and public. We have developed a weekly email blast with pertinent information that is sent to our members. The website continues to be a go-to place for the public and for our members for Genesee County legal information.

The infrastructure of the GCBA is being upgraded with improvements that are helping on the bottom line. We have a new, modern phone system that has updated our 20-year-old system. We are working towards four new computers as our system is nearly obsolete. I am still working on the purchase of the building next door to provide space for a parking lot for our building.

Our Affiliate membership has become a critical part of the GCBA and our community. They have developed programs that have enriched the general membership with an informative seminar and have developed information-packed lunch programs for their members.

The GCBA membership has grown to over 500 members. I thank each and every one of you for your part in

making the GCBA what it is today. I ask you to help develop and lead this association as we move forward. Our mission is to serve the professional needs of our members, improve the justice system, and educate the public about the law and the role of lawyers. Do something every day to further that mission in your law practice.

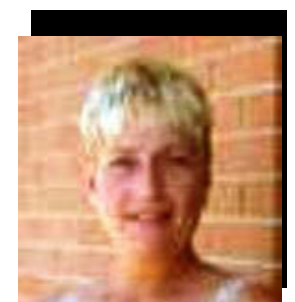
The reason for the GCBA's existence is because lawyers care and lawyers help. We are leaders here in our community. We are the backbone of downtown Flint. We fight for justice in a community that so desperately needs our help. Many of us sit on nonprofits and other boards and associations. We must continue to work with these organizations as we collectively do just one more thing each day to bring back the city of Flint and Genesee County to their full potential as special places to live and work.

I end this with great thanks to the staff of the GCBA, Tina, Eileen and Star. They have carried my crazed thoughts to an organized conclusion. Thank you.

Remember, Stay Local and Hire Your Local Attorney.

Proud to be Part of the GCBA

By Suzanne Y. Gregory, Affiliate Membership Chair



Suzanne Y. Gregory

My name is Suzanne Y. Gregory, and I am a proud member of the Genesee County Bar Association's Affiliate Section. I work for Lynne A. Taft, Esq. who supports me 100%. Ms. Taft believes that it is beneficial to her practice to have her secretary continue to be educated and updated in various aspects of the legal system.

The Affiliate Section was established in May 2012. We currently have 32 members. Our membership consists of paralegals, legal and judicial secretaries, court clerks, administrators and reporters, and other legal support staff.

As Affiliate members we are dedicated to continuing our education. We have had four "Sack Lunch Seminars" on Circuit Court Procedures featuring Hon. Joseph J.

Farah; Probate Procedures featuring James N. Bauer; Bankruptcy/Short Sales in Divorce Cases featuring Peter Mooney and Tame the Information Tsunami featuring Diane Ebersole from the State Bar of Michigan. Each seminar was very informative and provided great insights for our members as we strive to make our employers more efficient.

We also conducted a half-day seminar on the "Specialty Courts" that included Veterans/Mental Health/Adult and Juvenile Court: Hon. Jennie E. Barkey; Sobriety Court: Hon. Larry J. Stecco; Adult Drug Court: Hon. Mark W. Latchana; Juvenile Court: Hon. John A. Gadola; Neglect Drug/At-

tendance Court: Hon. Duncan M. Beagle; Baby Court: Hon. David J. Newblatt; and Business Court: Hon. Judith A. Fullerton. The seven judges and their staffs provided an extremely informative seminar, as some of our Affiliates were not even aware that these specialty courts existed. This information will help our employers to provide better service to their clients for their specific situations.

With continued education we access new opportunities that will expand our professional growth. This allows us to stay current with changes in a continuously changing profession. We are currently planning our second half-day seminar to feature the court clerks, including but not limited to, Circuit, District, and Probate Courts.

The Affiliates have hosted two "Meet & Greets" at the Redwood Lodge. These allow us to mingle with our colleagues in the greater legal community, exchange new ideas and gather further information to aide us in our own professions. We feel it is important to be social with one another, and it gives us the opportunity to invite new potential members. We have expanded our membership as a result of these two social events. We will continue to have one every year to further grow our membership.

We participated in our first community service project helping Habitat for Humanity do some renovation at the old Curtis Flowers building. We would like to plan further projects as they become available to us.

With continued education we access new opportunities that will expand our professional growth.

In the two years that I have been an Affiliate member and served as the chairperson of our section, I have found it most rewarding, educational and absolutely fun.

It's good for your profession ...

It's good for your community ...

It's good for you! So if you are not a member come join us.

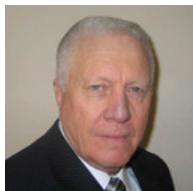
Over Two Centuries of Experience

By Roberta J.F.Wray

The State Bar of Michigan annually recognizes attorneys who have been licensed to practice in Michigan courts for half a century. This year, four members of the GCBA have joined the list.



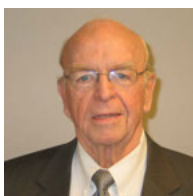
Howard D. Cline, Jr., now Of Counsel at Cline, Cline and Griffin, is a 1955 graduate of the University of William and Mary. He obtained his LLB from the University of Colorado at Boulder in 1957 and was admitted to the Colorado Bar. He joined the Army and served as a First Lieutenant in the Army Judge Advocate Corps from 1957 to 1960. He began practicing law in Michigan in 1964.



Robert M. Crites still practices, specializing in Social Security Disability and Workers' Compensation Law. He obtained his Bachelor's degree from the University of Michigan-Flint in Physics and Math in 1960. He worked at AC Spark Plug, took some aptitude tests and ultimately entered the University of Michigan Law School, graduating in 1964. He worked as an assistant prosecutor for about a year before entering private practice. Mr. Crites says he always wanted to be a lawyer or a journalist, and he enjoys the intellectual challenge of the law. He says his Physics classmates all obtained PhD's. Years later he ran into one of them who asked what he was doing. When he said he was a lawyer, the classmate said, "Good choice."



The Honorable Allen J. Nelson, now retired and living in Harbor Springs, is a graduate of Michigan State University and the University of Chicago Law School. He was one of the same group of assistants who joined the Genesee County Prosecutor's office in 1964, along with Mr. Crites, and he also entered private practice in 1965. After 16 years, he was appointed by then Governor James Blanchard to fill the vacancy in Probate Court left by the resignation of Judge Harold Resteiner. Judge Nelson was elected to fill the balance of the unexpired term and then was re-elected to serve until 2006.



Terrance P. Sheehan grew up in Detroit and attended Assumption University in Windsor, Ontario graduating in 1957. He also earned a teaching certificate and taught in Detroit, Grosse Pointe and other schools while studying for his law degree, first at the Detroit College of Law and then at University of Detroit-Mercy, graduating in 1964. He also took 28 hours of tax law at Wayne State in order to represent a client in a tax evasion case but did not complete the requirements for his Master's in Tax Law. In the mid-seventies, Mr. Sheehan was court-appointed in a murder case that became historic when, after three hung juries, the client was found not guilty in the fourth trial. Mr. Sheehan spent two years as Chief Trial Attorney in the Genesee County Prosecutor's office in 2004-06. He was the Jerome F. O'Rourke Advocacy Award recipient in 2010. Mr. Sheehan still has an active criminal law practice.

Law Day 2014: American Democracy and the Rule of Law: Why Every Vote Matters

By Sherri L. Belknap



Sherri L. Belknap

Two landmark pieces of legislation are nearing their 50th anniversaries: the Civil Rights Act of 1964 and the Voting Rights Act of 1965. With these two pieces of legislation it became illegal to discriminate against a person because of race, national origin, religion, and gender. Further, the legislation banned literacy tests in the Deep South. These historic acts provided the framework for this year's Law Day activities.

Law Day 2014 began with a morning Voir Dire session in the Blue Room of the Masonic Temple. Genesee County Bar Association members Glenn Simmington and Alec Gibbs demonstrated how to pick a jury. After the jury was empaneled, Glenn and Alec answered questions from the students and teachers.

Afterwards, the students went to lunch in the Masonic Temple auditorium. During the luncheon, the Genesee County Bar Association honored Loraine Brinker of Inter-

national Academy of Flint with the Golden Apple and Angie Hender-shot of ABC 12 News with the Liberty Bell Award. Prosecutor David S. Leyton honored Jonquil Bertschi, the immediate past Executive Director of Weiss Advocacy Center, with the Crime Victims' Advocate Award.

The rain held off while GCBA members walked Genesee County area high school students over to the Genesee County Circuit Court where they presented evidence in "*People v. Taylor Griffin*." Taylor Griffin was charged with six felony counts involving conspiracy and violation of election law when Griffin allegedly falsified absentee ballot applications, hired a family member of a candidate to handle absentee ballots, and other violations of election law.

109 students from seven Genesee County schools, and one Forensics Team, participated in this year's event.

Zonta Club of Flint Honors Local Female Judges

By Judge Duncan M. Beagle and Barbara A. Menear, Administrator Genesee County Circuit Court

On April 23, 2014 the Zonta Club of Flint hosted a gala celebration to induct seven local women into the Zonta Club-sponsored Genesee Regional Women's Hall of Fame. The event took place at the Flint Institute of Arts and was well attended, celebrating the contributions of local women in professional fields including medicine, the arts, community activism and law.

Judge Judith A. Fullerton

Judge Judith A. Fullerton, Genesee County Circuit Court, was one of the recipients. Acknowledged as an intelligent and accomplished jurist, Judge Fullerton received the 1992 Attorney of the Year Award from the Women Lawyers Association of Genesee, Shiawassee and Lapeer Counties.

In addition, she was recognized as a top judge in the State of Michigan for consecutive years. In addition to her docket in the criminal-civil division, Judge Fullerton is currently the Business Court Judge for the Genesee County Circuit Court, forging new territory in the state.

Many of us know Judge Fullerton as a former assistant prosecutor, chief assistant city attorney for the City of Flint, 68th District Court Judge (1980) and as a Circuit Court Judge since 1982.

She has served as faculty for the Michigan Judicial Institute (MJI) and in 2014 was a presenter at the Annual Judicial Conference. Active in the Genesee County Bar Association, the American Inns of Court and currently the Chair of the Genesee County Community Corrections Advisory Board, her contributions are longstanding and worthy of the honor recently bestowed.

Judge Elza H. Papp

Judge Elza H. Papp was born in Pennsylvania, but moved to Flint with her family and graduated from Flint Central High School. She attended Cleveland Law School and was admitted to the State Bar of Michigan in 1945.

Her family owned a drug store in what was known as the "St. John's Street Area" and the Papp name was well known in the community.

In 1947, Papp became the first female assistant prosecutor for Genesee County and in 1965, became the first female Genesee County Circuit Court Judge. She was the second female circuit judge in the State of Michigan.

She was known as a determined and strong minded jurist, serving in the Circuit Court from 1965-1972.

Papp became an attorney at a time when opportunities for a female with a law degree were limited. Eventually, she worked as an attorney for Standard Oil and as an associate editor for a legal publishing company, before returning to Flint.

Diana Papp Page, Judge Elza H. Papp's great niece, was present at the ceremony to receive the award. She recalled, with pride, the pioneering role of her aunt and was grateful for the acknowledgment on behalf of the Papp family.

The Genesee Regional Women's Hall of Fame has a permanent display at the Alfred P. Sloan Museum.



Hon. Judith A. Fullerton and
Diana Papp Page

Fraud Affects Business Valuations Too

By Amy R. Buben, CPA, CFE

Occupational fraud occurs when someone uses his or her job for personal enrichment through the deliberate misuse or misapplication of an employer's resources or assets. Such activity can skew financial results and lead to erroneous value conclusions—unless a valuator adjusts the financial statements for fraud.

Fraud affects companies of all sizes, in all industries and geographic locations, and can involve everything from stealing inventory to misstating financial results for personal gain. For example, an unscrupulous CFO might prematurely post unearned or fictitious sales at year-end to boost his annual bonus. As a result, value will be overstated because earnings or assets are exaggerated.

Conversely, value may be understated if the owner hides assets, runs personal expenses through the business, or takes an excessive salary that drains cash flow. These types of questionable practices are especially common when a controlling shareholder has a financial incentive to dissipate value—say, in a divorce or shareholder dispute.

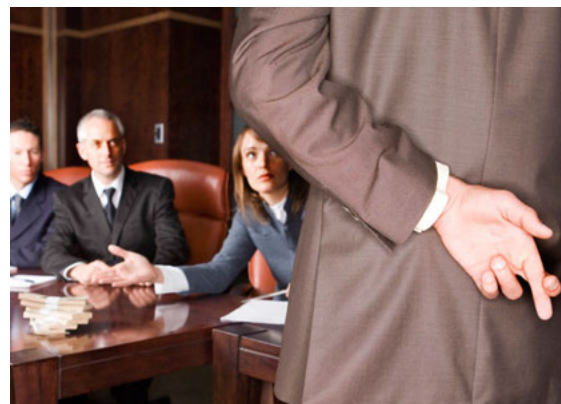
Appraisers do not audit for fraud in the course of a typical business valuation assignment. Instead, they generally assume financial statements are free from error and material misstatement. Indeed, most valuation professionals are not trained in forensic accounting, but some may inadvertently unearth gross anomalies when analyzing financial performance or touring company facilities. In any event, valutors should further delve into any transactions, balances or ratios that appear excessive or abnormal.

If you suspect fraud, discuss your concerns up front with your valuator. Some appraisal firms have in-house forensic accounting capabilities. Smaller firms can recommend a second expert to help unearth and quantify fraud's effect on value.

Early identification of fraud risks can help you obtain access to the requisite financial data during discovery and facilitate a more efficient use of outside experts.



Amy R. Buben

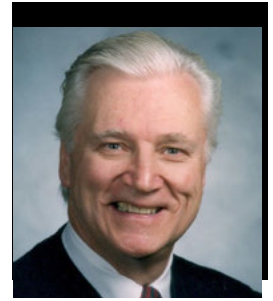


Amy R. Buben is a Senior Manager in the Management Advisory Services group of Yeo & Yeo's Saginaw office. She is a member of the firm's Valuation & Litigation Support team and co-leader of the firm's Manufacturing Services team. Amy is a Certified Fraud Examiner with expertise in fraud investigation and prevention. She also specializes in business consulting, financial reporting and tax issues with a strong focus on manufacturers, auto dealers, retail and wholesale sectors. Contact Amy via e-mail at amyub@yeoandyeo.com or call 800.968.0010.

Who's on the Bench?

Hon. Larry J. Stecco, 67th District Court

By Roberta J.F.Wray



Hon. Larry J. Stecco

“My dad wanted me to be a doctor because that’s what he had wanted to be. I wanted to be a lawyer for as far back as I remember. I tried my first case in fifth grade at Civic Park. I was defending the participants (including myself) in a schoolyard tussle. I lost, but I loved the challenge.”

These are the words of Judge Larry Stecco who says back then his best friend’s dad was Marvin Ransom, a lawyer, and he always looked up to him. He was also influenced in his career choice by his family’s involvement in various social and labor causes.

“It’s so much fun to watch good lawyers work and grow.” The judge notes that there are many young lawyers showing great promise, both prosecutors and defense attorneys.

Judge Stecco graduated from Flushing High School in 1959 and attended Western Michigan and Wayne State Universities. He applied for early admission to Detroit College of Law (now Michigan State University Law) based on his grade point average and LSAT score and was admitted. He graduated in 1967. After a year in private practice in Detroit, he came back to Genesee County and worked for Prosecutor Robert F. Leonard from 1968 to 1972 trying major cases and serving as chief of the Organized Crime division.

In 1972, Stecco and several other assistant prosecutors left and formed their own practices. Years later, the attraction to return to public service, which had been nurtured by his parents and their friends and family, exerted itself and he ran for the 67th District Court seat being vacated by Judge William Evans.

During almost 18 years on the 67th District Court bench, Judge Stecco has helped develop and refine the Sobriety Court. He says he loves watching people progress through the court’s rigorous supervision. It has been very rewarding to help people get their lives and their drivers’ licenses back.

He also says, “It’s so much fun to watch good lawyers work and grow.” The judge notes that there are many young lawyers showing great promise, both prosecutors and defense attorneys.

His career has included success as a personal injury attorney and a term as President of the Genesee County Bar Association. He has also been Chairman of the Genesee County Democratic Party and Chief Judge Pro Tem of 67th District Court.

At the end of this year Judge Stecco will step down, forced out by age limits imposed on judges. He says he’ll take a long vacation and figure out what he wants to do next. Perhaps he’ll take to the stage. He’s sure he’ll be spending time with his three children and seven grandchildren.

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Who We Are: Nancy Chinonis



Nancy Chinonis

Why did you decide to become an attorney?

I had a part-time job as an office assistant at the Law Offices of Dean T. Yeotis during the summer after my freshman year at the University of Michigan, Ann Arbor. I was amazed at how many people are excluded from job opportunities, fired from positions, demoted or forced to endure other adverse actions for unlawful reasons.

In what area(s) of law do you practice?

My main focus is employment and labor law. I represent plaintiffs in employment related matters including discrimination, harassment, retaliation, whistleblowers, and public policy wrongful discharge. I also represent claimants who have been improperly denied unemployment insurance benefits. In addition, I provide legal counsel to various unions.

Which area of the law do you like the best and why?

I enjoy both employment and labor law because I am able to help employees who are struggling through discrimination, harassment or retaliation in the workplace. With protections guaranteed by both Michigan and Federal laws workers should be assured of a safe, comfortable work environment. Unfortunately, this isn't always the case.

What do you like best about being an attorney?

America is a society based on law and justice. I love the fact that I have a role in making this ideal a reality.

What part of being an attorney can you do without?

The stress. With deadlines, client

demands, long hours, and changing laws, lawyers are subjected to too much stress.

What words of advice could you offer to new lawyers?

Network! Words cannot describe the value of having friends within the legal community. The support, advice, and friendship of colleagues, both young and experienced, is priceless.

What suggestions do you have to improve the legal system?

As a whole, the legal system needs to work on civility. We can have an adversarial process without being nasty.

Offer one suggestion for improving our local Bar.

I would like to see more networking events sponsored by our Bar.

Tell us about your life outside of the law.

I live in Fenton, Michigan with my husband, Jeff Lauster. We love to spend time boating on Lake Fenton when the weather is nice.

I am very involved with the Greek/Hellenic community and am proud of my Greek heritage. I am also an active member of Assumption Greek Orthodox Church in Grand Blanc. I have been the choir director since 2007. I also chant or sing at special services including weddings, funerals, and baptisms.

If you had not become an attorney what career would you have chosen?

If I had not become an attorney, I probably would have become a teacher.

Is there anything else you would like us to know about you?

After graduating from the University of Michigan, I began law school at Detroit College of Law at Michigan State University. While I was enrolled at DCL-MSU, it became Michigan State University College of Law. However, I still am a Michigan fan. Go Blue!



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Indigent Defense Reform? Not Yet!

By Glenn Simmington and Roberta Wray

On Monday, July 1, 2013, Governor Rick Snyder signed legislation that was supposed to “bring sweeping reforms and improvements to indigent defense in Michigan, helping protect every citizen’s right to competent legal representation in criminal defense cases.” Genesee County Circuit Court Administrator Barb Menear says that’s almost the last thing anyone has heard of the commission.

A number of people, including Ms. Menear, have expressed interest in or been mentioned as possible nominees for membership on the Michigan Indigent Defense Commission which was created by that legislation.

It had been anticipated that the commission would be appointed by now.

The last report of action came on March 13, 2014 when the legislature finally approved, and the governor signed, an appropriation bill providing \$750,000 to fund the Commission for the balance of the current fiscal year, and a million dollars for the next fiscal year.

The law requires that the 15 voting members of the commission be appointed by the governor from among:

- (a) Two members submitted by the Speaker of the House of Representatives.
- (b) Two members submitted by the Senate Majority Leader.
- (c) One member from a list of 3 names submitted by the Supreme Court Chief Justice.
- (d) Three members from a list of 9 names submitted by the Criminal Defense Attorney Association of Michigan.
- (e) One member from a list of 3 names submitted by the Michigan Judges Association.
- (f) One member from a list of 3 names submitted by the Michigan District Judges Association.
- (g) One member from a list of 3 names submitted by the State Bar of Michigan.
- (h) One member from a list of names submitted by bar associations whose primary mission or purpose is to advocate for minority interests. Each bar association described in this subdivision may submit 1 name.
- (i) One member from a list of 3 names submitted by the Prosecuting Attorney’s Association of Michigan who is a former county prosecuting attorney or former assistant county prosecuting attorney.
- (j) One member selected to represent the general public.
- (k) One member selected to represent local units of government.

MIDC members shall hold office until their successors are appointed. The terms of the members shall be staggered. Initially, 4 members shall be appointed for a term of 4 years each, 4 members shall be appointed for a term of 3 years each, 4 members shall be appointed for a term of 2 years each, and 3 members shall be appointed for a term of 1 year each.

A spokesperson in the Constituent Relations Section of the Governor’s office says they have no word on when the Governor will complete the appointment process. She said they typically don’t hear about the Governor’s appointments until a day or two before he intends to announce them.

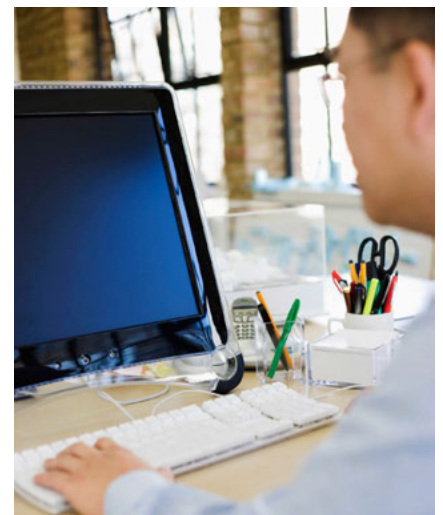
Meanwhile, the still county-run systems will have someone to report to, but the process of identifying “failing counties” cannot begin in earnest until the first annual reports are in. In short, “the process” of enacting actual, on-the-ground reforms is likely to be a very long slog.

Write Something for Bar Beat

We’re looking for a few good stories. Filling six issues a year with fresh material can’t happen without you.

- If you’ve been on a cool vacation, write us a description.
- If you’ve read a good book with a legal theme, write a review.
- If you’ve worked on a particularly interesting or challenging case, send us a summary.
- If you’ve come upon a bit of legal history, obscure or not, let us in on it.
- If you’re a Master Lawyer, give us the benefit of your acquired wisdom.
- If you’re a young lawyer with an a-ha moment you’d like to share, put it in our inbox.
- If you have a community service that inspires you, make it inspire us.
- If you have a practice tip that might improve our efficiency or effectiveness, we’d like to know about it.
- If you’ve been in an amusing situation, let us laugh with you.

We welcome your ideas.



Supreme Court Admissions 2014

By Patric A. Parker



Pictured (l-r): Heather Burnash, Charles Hilliker, Robert Swartwood, Michael DePolo, Erwin F. Meiers, Patric Parker, Jennifer Manley, Frank Manley, Elizabeth Kelly seated: Suellen Parker

On a cold day in March, nine GCBA members were admitted to practice before the United State Supreme Court. It was the sixth such group to have participated in the GCBA sponsored trip since 1999. Our group consisted of Frank Manley, Jennifer Manley, Elizabeth Kelly, Heather Burnash, Suellen Parker, Patric Parker, Michael DePolo, Deborah AdeOjo, and Charles Hillaker. GCBA President Erwin F. Meiers, III led the trip.

We were fortunate enough to see more than just the Supreme Court. The first morning we visited the White House. Suellen and I scored a celebrity meeting – we shared the White House service elevator with the President’s dog, “Bo”.

Next, we took a tour of the Capitol. After meeting Congressman Dan Kildee in his office, we travelled the underground route to the Capitol building itself. Following a tour, we ended in the gallery of the House where we watched Michigan Congressman Fred Upton argue in favor of an obscure bill. As Frank Manley shrewdly noted, Fred looks nothing like his actress niece, Kate Upton.

The highlight of the trip was, of course, the ceremony at the Supreme Court. President Meiers made the motion to admit our members. Fortunately, being uncontested, Fred’s motion was granted.

We remained to observe the main business of the Court that day, oral argument on *Halliburton Co. v Erica P. John Fund*. At issue was an essential element of class action certification in securities law matters. Arguing for respondent was David Boies, one of the preeminent litigators in the country. Boies has been counsel in some of the most high profile cases of recent years, including *Bush v Gore* and *Perry v Schwarzenegger*, successfully overturning the State of California’s Proposition 8 ban on gay marriage; a true legal celebrity sighting.

Thanks to Fred Meiers and the GCBA staff for an unforgettable experience.



Genesee County Bar Association
315 East Court Street
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