

December 2023

BARBEAT

Genesee County Bar Association



Roberta Wray

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Published quarterly 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
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Reflecting on the Changing Legal Profession: Embracing New Year's Resolutions for Lawyers in 2024 and Beyond

By Craig R. Fiederlein, President



Craig R. Fiederlein

As we approach the end of 2023, it is customary to reflect on the past and set goals for the future. Setting goals has always been important to me, as my dad instilled in me the practice of goal setting each year around the New Year. This includes financial, business, and personal family goals with periods of 1, 5, and 10 years. For lawyers, this introspection can be particularly meaningful, given the constant evolution of the legal profession.

One of the most significant changes in the legal profession over the past decade has been the rapid advancement of technology. My clients like to walk into my conference room and ask, "Did you read all these books?" while staring at all the Michigan appellate opinions volumes on my wall. Thanks to technology, gone are the days of aimlessly searching through stacks of opinion books, digests, and card catalogs. By the time I finished at Toledo law school in 1996, Westlaw began dominating the legal search market rendering the old ways inefficient.

Now, as we move forward, it is even more crucial for lawyers to adapt and embrace new technological innovations. This includes leveraging artificial intelligence, automation, and data analytics to streamline processes and improve efficiency. In my

office, I have personally explored how technology can improve my research and writing efficiency, meeting with representatives from Westlaw, CaseText (recently purchased due to its AI advancements), and even investigated how ChatGPT can be integrated. While admittedly a little late, I implemented QuickBooks Online for my accounting software, allowing my bookkeeper, CPA, and a CFO specialist in another state to audit my books remotely. This also allows me to work from home.

In the age of instant information and online connectivity, clients' expectations have significantly evolved from the days without a fax machine, cell phone, or pager. Today's clients demand a quicker response time to their numerous emails, more transparency, and personalized service. To meet these expectations, lawyers must embrace new communication tools, such as client portals and secure messaging platforms. In my office, we utilize LawPay for efficient client payments, Rocketmatter (similar to Clio) to effectively manage our firm's timekeeping, billing, note-taking, and calendar management. Embracing these recent technologies allows for timely

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updates, clear billing practices, and innovative fee structures that can enhance the client experience. However, it is important to strike a balance between adopting innovative technology and managing the associated monthly fees. When reviewing your firm's budget, consider whether your hourly rate is sufficient to cover the increased expenses of running your law firm and providing a professional wage.

As we prepare to embrace the new year, it is essential for lawyers to take a moment to reflect on the changing legal

profession and set meaningful resolutions. It is also important to give back to our community by donating money and actively participating in our Annual Holiday Dinner. Thanks again to Brian Barkey for his dedication and commitment to our community. By embracing technological advancements and adapting to client expectations, we, as lawyers, can navigate the future with confidence. Let us embrace the opportunities that lie ahead and work together to shape the legal profession in Genesee County.

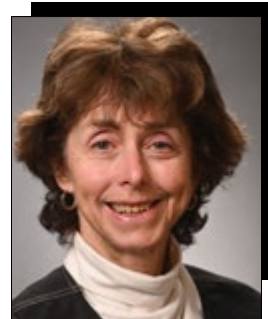


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From the Editors

By Shelley R. Spivack and Sean M. Siebigteroth



Shelley R. Spivack



Sean M. Siebigteroth

Happy holidays from the editorial staff at *Bar Beat*. Please accept this gift which is made possible by our many contributing authors.

- Craig Fiederlein leads this issue with the GCBA President's column.
- GCBA co-editor Shelley Spivack celebrates our national park system and describes recent hiking trips to several of our national parks.
- Hon. Jessica Hammon and Mary Hood announce a new federal grant received by Youth Arts: Unlocked which will help the youth in our Juvenile Justice system reach their full potential.
- Tom and Jarrett Pabst discuss the applicability of state civil rights laws to non-employees.
- LindaLee Massoud eulogizes the best friend *Bar Beat* ever had – Roberta J. F. “Bobbi” Wray – and documents a life well-lived.
- LindaLee also profiles first-generation attorneys and GCBA members Julia Black and Rick Hetherington.

- *Bar Beat* profiles new GCBA Board members Cara Willing, David Roth, and Andrew Stout.
- Brian Barkey furnishes an update on the 2023 GCBA Holiday Giving Project.
- Alan Himelhoch provides some short and actionable tips for litigators contemplating mediation.
- Finally, a photo essay celebrates retiring GCBA attorney and GCBA past president Carl Bekofske and documents his sendoff at a tribute dinner.

Bar Beat mourns the passing of two of our past presidents: Richard “Dick” Ruhala and Reese Stipes. Our March edition will feature articles on each of these distinguished GCBA members.

Best wishes for a safe and happy holiday season, and a new year filled with peace, joy, and happiness.

2024 GCBA/GCBF Holiday Giving Project

By Brian Barkey

Even though COVID has calmed down a bit, some of its effects have had a long-lasting impact. From 1992 until 2019, the GCBA sponsored a wonderful holiday event – the Holiday Dinner. We fed thousands of people in the Masonic Temple with the help of Larry Battiste and the Temple Dining Room and hundreds and hundreds of volunteers. It had grown so much that even Santa attended with presents for every child. But, as you all know, we lost the Temple Dining Room after COVID and putting this together again will be an enormous project. We are working on this.

Area shelters that house needy families have felt the financial impact of the COVID epidemic and the holidays are an enormously difficult time. They have filled to capacity for four solid years. The Genesee County legal community has stepped up. In the last three years, GCBA members have found another way to address this tremendous need – the Holiday Giving Project.

We have recruited six area shelters to host holiday parties for their residents: the Shelter of Flint, Carriage Town Mission, the East Side Mission, the Salvation Army, the YWCA residential program and Whaley Children's Center. We funded a holiday meal at each of these venues prepared by three locally owned restaurants – Italia Gardens, White Horse Restaurant and Luigi's. Entertainment has been provided at each of these parties by members of our Association - Jack Tubbs and Glenn Simmington as well as other volunteers. We have purchased

gifts for their resident families so their party will be a further cause for Holiday celebration.

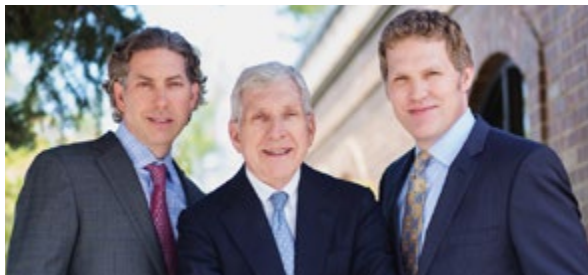
Two things about this project always fill my heart, though they are not surprising. Last year I was able to go to the parties at all the shelters which were attended by hundreds and hundreds of people. They enjoyed the celebration and our gifts to them. The gratitude of the recipients was overwhelming. You could see the love in the air, I swear.

Lastly, not surprising to Association members, the reaction and support of the Genesee County legal community has been tremendous. Last year alone, 86 members stepped up and sent checks to fund these activities, many of which were over \$1,000. As a result, it was completely funded – as our holiday gift to our community has been for 30 years.

Until we can reinvent our traditional Holiday Dinner, we intend to repeat this project. Our Committee is back to work contacting shelters which would like to participate and calling local restaurants. As always, we are asking for your help and your contribution. Please make your checks out to the Genesee County Bar Foundation and send them to the GCBA office at 315 East Court Street, Flint, Michigan 48502. As in other years, it is tax deductible. But the best part of this wonderful gift by you is its impact on the people we serve.



Brian Barkey



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New Board Members

This past spring the GCBA elected Cara Willing, David Roth and Andrew Stout to the Board of Directors. In order to get to know our new Directors, Bar Beat invited each of them to tell us a bit about themselves and why they chose to serve on the Board.

Name: David B. Roth

Family: Spouse - Alyssa Roth.
Children - Lincoln, Forrest, and Arthur.

Undergraduate school, degree and grad year: Michigan State University, major in History, 2010.

Law school and grad year: Michigan State University College of Law, 2013.

Area(s) of practice: Civil Litigation, Employment, Civil Rights, Municipal, and Insurance Defense.

Office location, phone number, and email address: Harvey Kruse P.C., 9460 S. Saginaw St., Grand Blanc, MI 48439; phone (810) 230-1000. Email - droth@harveykruse.com

Reasons you believe in service to the GCBA: The Genesee County Bar Association is comprised of skilled, hardworking, and professional attorneys with whom I am honored to interact. I look forward to serving the GCBA and contributing to a bar association filled with collegial and professional members.



Name: Andrew O. Stout

Family: Spouse - Stevie Cooper.
Child - Eliza Stout.

Undergraduate school, degree and grad year: Michigan State University, major in History, 2005.

Law school and grad year: Wayne State University Law School, 2008.

GCBA member since: Member since 2009.

Area(s) of practice: Probate Law, primarily serving as a fiduciary, as well as estate planning and estate administration.

Office location, phone number, and email address: Mead & Stout, 624 S. Grand Traverse St., Flint, MI 48502; phone (810) 232-5164. Email - AStout@ericmeadlaw.com

Past GCBA committees and activities: I am a member of the Probate Committee.



Reasons you believe in service to the GCBA: Over the past 15 years I have had the pleasure of working with many members of the Genesee County legal community all of whom are good attorneys and even better people. The GCBA is an invaluable organization serving the local legal community and I am hopeful that I can be of help in these endeavors.

Name: Cara Willing

Family: Spouse - Jacob Willing.

Undergraduate school, degree and grad year: Eastern Michigan University, major in Secondary Education with a minor in Political Science, 2014.

Law school and grad year: University of Toledo College of Law, 2019.

GCBA member since: Member since November of 2019.

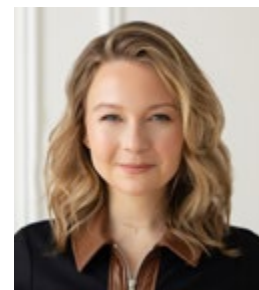
Area(s) of practice: Family Law.

Office location, phone number, and email address: 209 W. Seventh St. Flint, MI 48502; phone (810) 238-8330. Email - attorneywilling@gmail.com

Past GCBA committees and activities: Family Law Committee and Bar Beat Contributor.

SBM involvement, if any: Council Member of the SBM Family Law Section, Chair of the Membership Education Committee.

Reasons you believe in service to the GCBA: Being a lawyer is a rather solitary position, so it is beneficial to get to know the attorneys you work with outside of court.



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MISSION STATEMENT

The Genesee County Bar Association exists to serve the professional needs of our members, improve the justice system, and educate the public about the law and the role of lawyers.

ADR TIPS

By GCBA ADR Committtee

In this edition of Bar Beat we are introducing a new series, ADR TIPS, brought to you by Alan Himelhoch and the ADR Committee.

1. Match a mediator to the type of case (based on knowledge of a specialty area), by their mediation technique (best not to use a “touchy-feely” mediator for construction combatants), or let the other side choose (when the other party is stubborn and you need someone they will listen to).
2. Do not blindly follow a contract provision requiring arbitration through AAA or another similar provider. Contact the other side and agree to select a private arbitrator to avoid extra costs, like filing fees, closing fees, hearing fees, and room fees. The arbitrator’s fees will be even cheaper because no \$50.00 or \$75.00 hourly rate will be added to the arbitrator’s regular rate by the organization.
3. Using MCR 2.403(A)(1), opt out of case evaluation (which now lacks sanctions) by stipulating to another ADR process such as mediation. At the start of a case, the other side will be more receptive, which could even lead to settlement conversation.

Honoring the Incomparable Roberta J.F. “Bobbi” Wray

By LindaLee Massoud

It was my honor to be asked to write a memorial article about our friend and colleague, Roberta “Bobbi” Wray. She has been a pillar in the legal community for several decades and participated actively in a variety of GCBA committees and events. We know this part of her history; what you might not know is the breadth of her other interests and activities.

Perhaps I will share my personal story about her first. About the time she was retiring, Bobbi would always have her friend, “ME,” with her. Of course, I was always polite to ME and enjoyed speaking with her. It was only later, and they figured it out first, that ME was actually the Mary Ellen Raleigh, University of Michigan—Flint (UM-F) Business Communications professor, who was one of my favorite professors as a student.

DID YOU KNOW that Bobbi Wray. . .

(Notes shared by a variety of colleagues and friends)

Had a Stage Name? Quoting from her writing, “As a high school senior, I decided I might want to be a writer and considered a couple of different noms de plume. One was Bobbi Boyd, because my Grandfather Funsch’s first name was Boyd, the other Roberta Wray, because my Grandmother Jones’s maiden name was Wray and they both sounded good. In 1959, while working as an apprentice at the Musical Tent, I selected Roberta Wray as my Stage Name. After years of using Roberta Wray on the air at TV 5, I legally

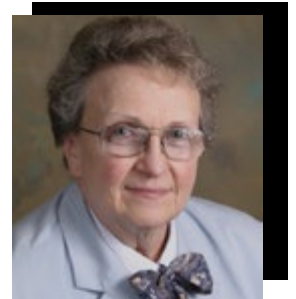
changed my name to Roberta J.F. Wray in 1992, in order to take advantage of the reputation I had established as a news reporter when I took up the practice of law.”

Loved Sports? Bobbi was a fervent Michigan supporter, proudly donning the blue and gold of her beloved Wolverines. Those who knew her well were careful to call only during half-time, although conversation still might not be possible if she was ranting at the television about the latest play. And *visiting* during a game “required a whole other level of involvement.” By the way, she loved to bet on the games, too!

Tennis was another sport she loved; she never missed watching the Open every year, and she followed that sport globally. In earlier days, she also liked to golf. She watched other sports as well, but with less intensity.

In addition to watching sports, Bobbi also “dabbled” in bowling and golf in an organized fashion from time to time. [LLM: Her definition of “dabbling” would probably be someone else’s definition of focused effort.] She also enjoyed curling.

Loved Scrabble? Bobbi and ME played lots of Scrabble with UM-F friends – tournaments, not just for fun. Apparently, “they played for blood!”



Roberta J.F. Wray

Loved Travel/History/Photography? She loved to travel, explore, and take great photos. She often included galleries and museums in her itinerary. Being a history major originally, Bobbi had a thirst for history that eventually translated to her legal career. She had an uncanny ability to connect historical contexts to contemporary issues. Her passion for history continued to her interest in the US Supreme Court case docket, including her many analysis articles for the *Bar Beat*.

One of Bobbi's former UM-F professors remembers that she had invited a guest speaker to talk about communist Poland and the solidarity movement before the communist break-up. Bobbi showed up, microphone and camera in hand, to interview the speaker. She preferred stories with facts and information that would inform and educate the viewers.

The nurse who was with her when she passed remembered and chuckled at their many conversations about deep subjects, and Bobbi always knew exactly which questions to ask. Using true reporter style, Bobbi did not need to be in the limelight: her goal was to highlight the interviewee. She would "hide in the shadows."

Loved Theater and Aviation? In the 1960's, Bobbi participated in several productions by the Community Play-

ers and Civil Drama Guild. In the 1970's, she took flight training at Bishop airport, attained her private pilot license, and acquired a Basic Ground Instructor certificate after that. During one of her reporting "adventures," Bobbi ended up doing some wing-walking as well!

Advocated for the Community? In both reporting and law, Bobbi loved to drill down to the truth in her stories. She loved making a difference for the underserved. Some of her activities included Vietnam Veterans Association, Salvation Army bell ringer, Planned Parenthood, Optimists, Exchange Club, Kiwanis, and other organizations.

She was very active in the East Village community, not only writing for their paper but also working with the neighborhood clean-up efforts. She stayed involved on the sidelines even when she could no longer help physically. When the East Village magazine visited her to do an interview, she was busy reading James Madison and the Federalist Papers.

The former UM-F professor also remembers that Bobbi would drive down to the Farmer's Market, pick up a certain kind of donut, then stop in her driveway, honk, and deliver one to her. It was unexpected and always appreciated. Her adjective for Bobbi was "indomitable" – a descriptive word, indeed.

There wasn't a stray animal or bird she didn't love. She knew and studied all wildlife. She fed not only her own animals, but the neighborhood strays as well. She always had bird feeders filled with seed; there were mounds of shells under them. Even when she got to Boulder Park Terrace, the first thing the family did was to install a bird feeder outside her window. She also faced the woods and was able to snap several pictures of visiting deer from her bed.

Was an Active Member of Zonta? Bobbi was deeply committed to advancing the status of women worldwide through her involvement with the Zonta Club of Flint I. She served as President in 1988-89 and attended three international delegations in the 1980's, one of which was a trip to Russia.

For years, she participated in the annual White Elephant sale at the Masonic Temple in Flint. In their prime, they would raise over \$40,000 to fund several organizations in Flint, as well as Whaley's Zonta House for young girls, YWCA, Girl Scouts and scholarships for college juniors and seniors.

Did we include everything? Not by a long shot. Roberta "Bobbi" Wray was a multifaceted individual whose life was a rich tapestry of passions and pursuits. From sports and travel to history and advocacy, she approached everything with dedication and zest. Her indomitable spirit, unquenchable curiosity, and commitment to making the world a better place will be remembered and cherished by all those fortunate enough to have known her. She will be deeply missed.

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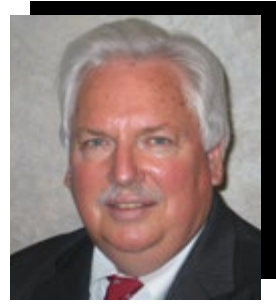
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Non-Employees Can Sue Employers for Civil Rights Act Violation

By Tom R. Pabst and Jarrett M. Pabst



Tom R. Pabst



Jarrett M. Pabst

Many people think that only an “employee” of a defendant employer has “standing” to sue defendant employer for violations of our Civil Rights laws. In fact, a whole cottage industry of labor broker entities to service Charter Schools has developed around this very belief that only “an employee” of the defendant employer can sue.

Here is how the quasi-legal ploy to evade Civil Rights laws works when it comes to a Charter School. First, the superintendent/principal is hired by a labor broker entity and, on paper, that labor broker entity is the “employer” of the superintendent/principal. Second, the superintendent/principal is “assigned” to a Charter School where his/her day-to-day job performance is supervised by the Charter School’s Board of Directors, and often the State University issuer of the Charter.

It is not uncommon to see a Charter School with 300 to 500 students operating without a single “employee” on its payroll! That’s because the school’s human resource department functions have been “siloe” and delegated to the labor broker entity. When the superintendent/principal “blows the whistle” on illegal activity, or gets too old, the Charter School, and often the State University issuer of the Charter, simply informs the labor broker to “reassign” the superintendent/principal. Then, when the superintendent/principal sues the Charter School, and perhaps even the issuer, they both claim “not my employee,” and “I’m not plaintiff’s employer, the labor broker is.” They think this clever paper subterfuge prevents any liability in a lawsuit filed by the plaintiff/superintendent/principal – but they are wrong!

Non-employees can sue employers, even if the employer is not the plaintiff’s employee’s employer. This law of Michigan was set forth clearly in the case of *McClements v. Ford Motor Co.*, 473 Mich. 373 (2005), where our Michigan Supreme Court stated that non-employees can sue employers so

long as defendant

employer, or its agents, did something that “influenced” and/or “affected” the adverse action suffered by the plaintiff.

Not only can non-employees sue, but so can “independent contractors” sue a defendant employer under our Civil Rights laws. In *Cook v. Farm Bureau Life Ins. Co. of Mich.*, COA No. 341330, April 2, 2019, an independent contractor insurance agent was allowed to sue Farm Bureau for age discrimination because defendant insurance company “influenced” and/or “affected” plaintiff’s pay and/or his business clients. Recently, U.S. District Judge Laurie Michelson relied upon and followed the *Cook* decision in rejecting a defendant’s argument that “independent contractors” can’t sue under our Civil Rights laws. *Jamoua v. Michigan Farm Bureau*, U.S. District Court Case No. 20-cv-10206, November 8, 2021.

Even non-employee shareholders had “standing” to sue a defendant employer in *Hall v. Stark Reagan, PC*, 294 Mich. App. 88 (2011), employment labor expert Attorney Kathleen Bogas’ great victory. The Michigan Supreme Court rejected defendant’s argument that non-employee shareholders don’t have “standing” at all, and ruled that they do if the plaintiff can show that defendant employer “influenced” and/or “affected” the conditions of plaintiff’s employment.

So, when analyzing these types of cases, don’t focus on the status of the plaintiff. Instead, focus on the employer’s conduct and ask if the employer did, or failed to do, anything that “influenced” or “affected” the adverse action plaintiff suffered. Knowledge of these rules will ensure fair and just trials based on Michigan law, and hopefully, allow plaintiff victims of discrimination to get not only a fair trial, but the monetary justice the law says they deserve.

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1st Generation Attorneys

Edited by LindaLee Massoud



LindaLee Massoud

Over the years, we have featured many special groups of attorneys, from multi-generational attorney families, to attorneys who have a business on the side, to attorneys who are very active in charitable and community activities. This new series will spotlight members who are the first in their families to become attorneys.

Julia L. Black, University of Iowa 1993

Most of my family members have been small business owners or self-employed. Until he had a heart attack, my father owned a bar that was frequented by many judges and lawyers. He then worked as a bailiff for a friend for a short time, and I remember he commented repeatedly on the skill of a young, female attorney. Since my sister also went into law (court administrator and formerly head of probation in Novi), my father's comments and our court visitation exposures must have had a big influence on me. Besides, in my case, having graduated at the age of 20 from University of Michigan Ann Arbor, with a dual major in Psychology and Economics, and looking "like a baby," I knew I needed an advanced degree to buy a little time!

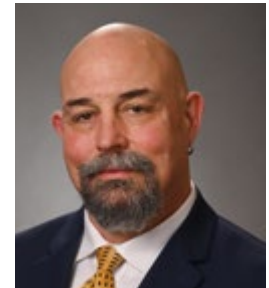
Goal: I want people from all backgrounds to know that they can become attorneys and I want to help set the example for the next generation of attorneys by being thorough and prepared and treating other lawyers professionally and with respect.



Rick Hetherington, WMU TM Cooley Law School 2013

I was a police officer for 23 years in Flint, and went to school while working. I was assigned to various investigative assignments while at the police department and worked 12 years in an undercover capacity. I also became involved as the union president for the sergeant's union, and on the state level, as an executive board member of the Police Officer's Labor Council. Seeing the inevitable result of the decline in Flint's revenue and resources, and knowing that I would be too young to do nothing for the rest of my life, I decided to go back to school. Following my 2011 retirement as a sergeant, and after graduating from Cooley Law School, I was immediately hired by the law firm of Christenson & Fiederlein, PC. After the Honorable Chris Christenson was elected to the Circuit Court bench, I became a partner in the firm, now known as CF Legal, PC, with Attorney Craig Fiederlein.

Goal: Obviously, due to my background, I am very familiar with the system. I just want justice.



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Justice Department Helps Genesee County Youth with New Grant

By Hon. Jessica Hammon and Mary A. Hood

Youth Arts: Unlocked (YAU) is proud to announce a new federal grant to support high-quality arts programming for justice-involved youth aimed at reducing juvenile delinquency, recidivism, and other problem and high-risk behaviors. YAU was one of five programs nationwide to be chosen for this federal grant awarded through the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention.

Numerous studies have shown that introducing arts to troubled youth helps to increase the protective factors that reduce juvenile recidivism. Often young people who commit crimes are plagued by deep-seated trauma. Art, in its many forms, helps to heal that trauma and assists these young people in making positive changes for their future.

Congressman Dan Kildee, who assisted YAU in securing this federal grant, stated, "I am proud to have helped secure this critical federal funding for Youth Arts: Unlocked to support youth in Genesee County. This program supports mid-Michigan children as they improve their physical and mental well-being and develop strong interpersonal skills. In Congress, I will always fight to bring federal funding back to mid-Michigan to help our children and community thrive."



Mary Hood



Hon. Jessica Hammon



Mary A. Hood

YAU is a nonprofit program founded in 2011 to help justice-involved youth unlock the creativity within them to foster pride and a sense of self-worth and accomplishment while they are detained and/or on probation. YAU partners with the 7th Judicial Circuit Family Court and the Genesee County Juvenile Justice Center (GCCJC) to offer weekly visual art, dance, theatre, spoken word poetry, and yoga workshops. YAU was founded by GCBA member Shelley Spivack. GCBA members Linda Pylypiw, Mary Hood and the Hon. Jessica Hammon serve on YAU's board. Hammon was also the co-founder of the YAU's yoga program.

YAU not only brings art to justice-involved youth, but brings their work to the public. YAU regularly participates in downtown Flint's Second Friday Artwalk and will be at St. Paul's Episcopal Church on March 15th. The art that will be on display has been created by youth detained at GCCJC and youth on probation. Some drawings and paintings are light and playful, while others depict sadness and tell a story of tragedy and loss. These pieces truly tell the story of the multitude of experiences these individuals have had in their young lives, both positive and negative. By giving them an artistic outlet, YAU assists in helping them cope and move forward.



John S. Beagle Scholarship Awarded

The Genesee County Bar Foundation selected Cody Balow and Joshua-Patrick Cambri as the recipients of the 2023 John S. Beagle Scholarship.

‘Raise A Glass’: GCBA Celebrates Carl Bekofske’s Retirement

On Thursday, October 5, 2023, members of the Genesee County legal community celebrated the retirement of Carl L. Bekofske. He was the Chapter 13 Trustee for Genesee, Lapeer, Livingston, and Shiawassee Counties from 1984 – 2023 and a former Chapter 7 Trustee. He was also the Genesee County Public Administrator from 1984 until 2023. This event was sponsored by the Genesee County Bar Association Bankruptcy and Probate Committees.



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Hiking Our National Parks

By Shelley R. Spivack

One hundred and fifty-one years ago the US Congress took a bold step—one that would benefit millions of people for years to come. By passing the Act of March 1, 1872,¹ Congress established the first national park—Yellowstone—“as a public park or pleasuring-ground for the benefit and enjoyment of the people.” Forty-four years later, on August 25, 1916, President Woodrow Wilson signed the Organic Act² creating the National Park Service, whose purpose was, and is, “to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

As a member of such a future generation, I recently decided to take advantage of the “Organic Act” and explore the natural beauty found in our national parks. During this past year, opportunities arose which led me to hike in six of our National Parks, Recreation Areas and Seashores—from the east to the west coasts, and from our southern to northern borders.

Grand Canyon National Park in northern Arizona was my first stop. After driving almost 2,000 miles in two and a half days, my traveling partner and I felt like Thelma and Louise as we inched toward the Canyon. Although I had flown over the Canyon and seen innumerable photos, my reaction as we stood and gazed over the rim was one of pure awe. While the website had indicated temperatures in the 60’s for early November, snow and fog greeted us on our first full day of hiking. However, by early afternoon the fog had lifted, allowing us to embark on the 11- mile trail along the South Rim. The guidebook did not lie when it stated that “nowhere else in the park do Grand Canyon vistas unfold in such breathtaking dimensions.” By the next day we were ready to do a deep dive into the Canyon itself. The first half mile of the “Bright Angel Trail,” another popular South Rim trail, was full of eager tourists. But, by the time we descended to the 1.5-mile rest area, the crowds had thinned significantly.



Shelley R. Spivack



Grand Canyon



Saguaro National Park

We went about another half mile, and then thought— what goes down must go up, and decided to start the trek back to the rim. Full of goats, switchbacks, and an array of colors and magnificent views, our legs and lungs were none the worse for the journey.

Saguaro National Park and Sabino Canyon National Recreation Area in southern Arizona came to be ‘good friends’ of mine during my five-week stay in southern Arizona. The giant saguaro cacti, which are a symbol of the southwest, populate all corners of Saguaro National Park, which borders the city of Tucson. I was warned that hiking in the desert requires different preparation and endurance than hiking in other terrain. Plenty of water, clothing to protect you from the sun and an early start are essential in order to enjoy the surreal beauty of the Sonoran Desert landscape.



Smoky Mountain National Park

Back home for the winter, I journeyed in early February to the frozen shores of Lake Superior to hike on the North Country Trail in and around Pictured Rocks National Seashore. It can prove challenging to hike along the pristine snow-covered shore, but the lack of crowds affords the hiker a sense of solemnity which cannot be found in summer.

In early June, a birthday hiking trip with a good friend from high school brought me to the Tennessee portion of Smoky Mountain National Park. Nicknamed “the Dream of the Smoky Mountains” Cades Cove, which is nestled among the crests of the mountains, affords visitors a chance to experience history, wildlife and an abundance of wildflowers, waterfalls and challenging hikes. My 6.9-mile birthday hike (for my 69 years) somehow turned into a rigorous 10 miles which I don’t think we could have done when we were 17!

A 14 -mile backpacking hike over two mountain passes and the Continental Divide to the rustic Sperry Chalet in Montana’s Glacier National Park proved to be the most challenging of my year of hiking in the National Parks. The chalet, which has no electricity and is accessible only by foot or by horseback, is a hiker’s dream destination. Away from cell towers, phones, cars and noise, our 2-night stay at Sperry now seems like a dream. As I look at the photos of the glacial lakes, mountain goats and pastel-colored sunsets, I can easily forget the 3,300 feet of climbing and eagerly anticipate another journey to this magical destination.

Endnotes

- 1 U.S.C., title 16, sec. 21
- 2 U.S.C., title 16, sec. 1

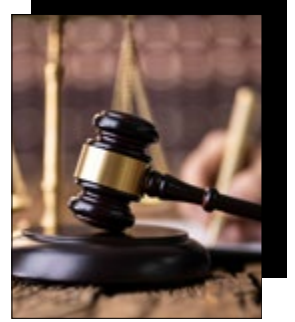


Pictured Rocks National Seashore



Glacier National Park

Court Rule Update



On January 1st, 2024 Michigan will become the first state to allow parties to designate their preferred pronoun in court pleadings and to require judges to either use the preferred pronoun, the person's name or other respectful means that are not inconsistent with the individual's designated salutation or personal pronouns.

The Court Rule is set forth below as well as a portion of Justice Bolden's concurring opinion.

Rule 1.109 Court Records Defined; Document Defined; Filing Standards; Signatures; Electronic Filing and Service; Access

(A)-(C) [Unchanged.] (D) Filing Standards.

(1) Form and Captions of Documents.

(a) [Unchanged.]

(b) *The first part of every document must contain a caption stating: (i)-(vi) [Unchanged.]*

Parties and attorneys may also include Ms., Mr., or Mx. as a preferred form of address and one of the following personal pronouns in the name section of the caption: he/him/his, she/her/hers, or they/them/theirs. Courts must use the individual's name, the designated salutation or personal pronouns, or other respectful means that are not inconsistent with the individual's designated salutation or personal pronouns when addressing, referring to, or identifying the party or attorney, either orally or in writing.

Staff Comment (ADM File No. 2022-03): The amendment of MCR 1.109(D)(1)(b) allows parties and attorneys to provide a preferred salutation or personal pronoun in document captions and requires courts to use one of the following means of addressing, referring to, or identifying the party or attorney: the individual's name, preferred salu-

tation, personal pronoun, or other respectful means that is not inconsistent with the individual's designated salutation or personal pronoun.

BOLDEN, J. (concurring).

I fully agree with the Court in adopting this amendment. I write to demonstrate my support and mitigate potential concerns raised during the public comment process. To me, this amendment of MCR 1.109 is not landmark. Rather, it mirrors the expectations found in our judicial canons. The amendment seeks to spell out what the judicial canons require and provide an avenue for litigants and attorneys to ask to be acknowledged in a certain way and thus treated with dignity. It aims to prevent judges from discriminating based on gender identity. It ensures that judges respect people. Allowing individuals to include their personal pronouns in filings affords judges the opportunity to ensure those appearing before them receive the respect they deserve. The judicial canons already require treating every person with courtesy and respect without regard to a person's race, gender, or other personal protected characteristic. This amendment is merely a more detailed example of how judges must act to meet the requirements articulated in the canons, and it is in line with our antidiscrimination caselaw, statutes, and policies.

.....While Michigan is the first state court to amend its court rules to expressly include such comprehensive protection for personal pronouns—history is made by being the first. We are sending a signal that “[a]ll members of the public are entitled to inhabit public spaces on equal terms.” 303 Creative LLC, 600 US at ____; 143 S Ct at 2341 (Sotomayor, J., dissenting). This is a step in the right direction. Adopting this amendment makes Michigan courts more welcoming and inclusive for all.



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