

March 2026

BARBEAT

Genesee County Bar Association



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Letter from the Editor
Share The Wealth of Your Experience!

2026 C. Frederick Robinson Legends Award

Law Day Proclamation 2026

How A Cat's Paw Fable Now Helps Victims of
Retaliation Win Their Cases

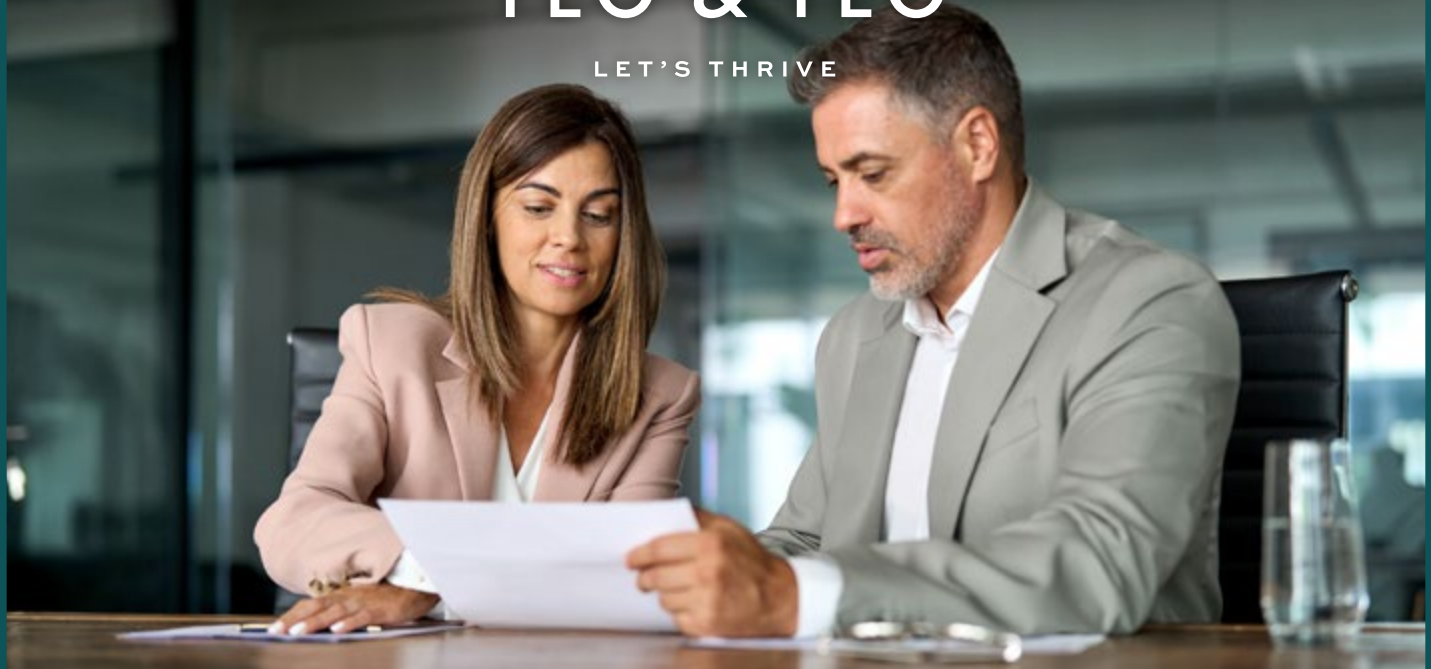
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Shelley R. Spivack, Assistant Editor
BarBeat@gcbalaw.org

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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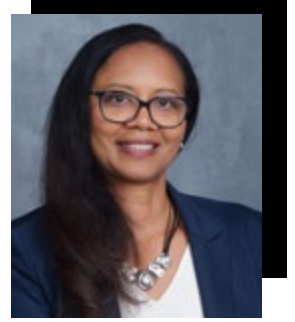


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Letter from the Editor

Share The Wealth of Your Experience!

By Julie A. Winkfield



Julie A. Winkfield

It may seem impossible to find the time to share our wisdom with others. The pace of legal practice is demanding. Our inboxes overflow. Court schedules rarely slow down. Yet the truth remains: there are more ways to share our knowledge and experiences than we often realize.

Think about it.

Have you recently participated in an interesting training that sharpened your practice or shifted your perspective? That insight is valuable, it is needed and it is encouraged.

Have you been recognized for outstanding legal acumen, meaningful community service, or your dedication to mentoring up-and-coming attorneys or law students? Those stories matter. They reflect the strength and depth of our legal community.

Even our profession's timeless lessons often reach the public through unexpected avenues. Consider *To Kill a Mockingbird* and the enduring legal and ethical principles it brought to life on the big screen. Important ideas do not live only in casebooks—they live in the stories we are willing to tell and the wisdom we are willing to share.

One of the most unique and admirable qualities of the Genesee County legal community is the genuine cordiality that exists among our members. We work professionally and respectfully—even when we are on opposite sides of a case. Beyond the courtroom, many of you serve faithfully in civic life: volunteering for important nonprofits, serving on boards, mentoring youth, and investing in the well-being of our broader community.

These contributions should not remain hidden. Do not hide your candle—let it shine brightly so that all can see.

When we speak about our work, our service, and our insights, we do more than inform—we encourage others to step forward as well. This is how we come to know one another. This is how we build appreciation across practice areas and generations. This is how we remain connected as a Bar.

But there is another layer to this call to share—one grounded in the profound privilege of our profession.

Attorneys have been entrusted with a legal education that only a small percentage of the general population attains. That education is not merely academic; it is formative. It equips attorneys with analytical tools, ethical frameworks, and the capacity to navigate systems that can feel impenetrable to the public we serve.

Likewise, the privilege of holding a license to practice law carries with it an extraordinary responsibility. We are not simply private professionals—we are officers of the court. Our words carry weight. Our filings move systems. Our advocacy can change the trajectory of a family, a business, or an individual's future.

When we contribute to *Bar Beat*, we are doing more than filling pages. We are strengthening the collective wisdom of the Genesee County Bar. We are mentoring colleagues we may never meet. We are preserving institutional knowledge. And we are reminding one another of the high calling embedded in this profession.

If you have a particular interest—perhaps you closely follow developments from the Supreme Court, track legislative changes, or have developed insight in a niche area of practice—by all means, please share what you know. Submit your writing to *Bar Beat* so the Editorial Committee can review and amplify your voice.

You have likely seen our Call for Articles arrive in your inbox. We understand the volume of emails each of you receives weekly, but we encourage you to pause when you see it. There is space here for your perspective.

Please—contribute what you know.

There is so much within our community that deserves thoughtful discussion. When committee members present important trainings, we welcome overview articles highlighting key takeaways. When practitioners identify emerging legal trends, we welcome analysis. When members engage in meaningful service or personal growth, we welcome reflection.

This publication exists for you.

Your voice is what makes *Bar Beat* a true reflection of the Genesee County Bar Association.

We are seeking contributions in the following categories:

Updates from GCBA Committee Chairpersons

From all active committees

Specialty Courts Updates

- Veterans Treatment Court
- Mental Health Court
- Adult Felony Recovery Court
- Family Dependency Treatment Court

Personal Interest Articles

(Maximum 750 words)

Topics may include:

- Travel adventures (photos encouraged)
- Public service, volunteer, or charitable activities, including pro bono work
- Educational outreach and speaking engagements
- Health and wellness topics relevant to the legal community

Pro & Con Articles

(Maximum 1,500 words total)

Collaborate with another attorney to present balanced perspectives on important legal issues.

Legal Topic Articles

(Maximum 1,500 words)

Provide updates on:

- Court rule changes

- Legislative developments
- Practice-specific legal analysis


Additional Notes

- **Intern Contributions:** Law students and interns are welcome to submit articles when sponsored or co-authored by a GCBA member in good standing.
- **Citations and Endnotes:** Please properly cite any research sources used in your submission.

How to Submit

Please send article submissions to gcbalaw.org.

If you need assistance developing an idea, structuring your article, or refining your draft, the Editorial Committee is here to support you.

We look forward to your contributions. Your insights, experiences, and reflections are what keep *Bar Beat* vibrant and meaningful. Together, we strengthen not only our publication, but our professional community. 



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2026 C. Frederick Robinson Legends Award

Congratulations to Hon. William H. Crawford II, the recipient of the 2026 C. Frederick Robinson Legends Award.

Judge Crawford was appointed to the 68th District Court in 1997 by Governor John Engler, a court that merged with the 67th District Court in 2016.


The award was presented on Saturday, February 21, 2026, at the 4th Annual Legends Luncheon. This award honors local representatives who commit to justice and equality and commemorates the contributions of Flint Attorney C. Frederick Robinson. 




Photo credit: Kyona McGhee



Hon. William H. Crawford II, Mrs. Mary Crawford, Representative Cynthia R. Neeley, Mayor Sheldon Neeley.

Law Day Proclamation 2026

Each year on May 1, communities throughout the United States observe **Law Day**, a national recognition of the role that law plays in preserving justice, liberty, and equality under a system of democratic governance. Established in 1958, Law Day serves as an opportunity to reflect on the importance of the rule of law and the responsibility of the legal profession to safeguard it. Lawyers and judges occupy a critical position in maintaining the checks and balances that support a stable society, ensuring that laws are applied fairly, that institutions function with integrity, and that individual rights are protected. The American Bar Association has designated the theme for **Law Day 2026** as the relationship between the rule of law and the American Dream, recognizing that many of the aspirations people hold—whether related to personal freedom,

equal opportunity, economic mobility, or the security of family and property—depend upon a legal system that is predictable, fair, and accessible. When the rule of law is respected and consistently applied, individuals are able to pursue their goals with confidence that their rights will be protected and that disputes will be resolved through lawful and orderly processes. In recognition of these principles, and consistent with the proclamation adopted by the American Bar Association, the accompanying 2026 Law Day Proclamation is being presented by the Genesee County Bar Association Law Day Committee to our local governmental agencies for its consideration and adoption, affirming the commitment to public education about the rule of law, and its enduring role in sustaining both justice and opportunity. 

2026 Law Day Proclamation

“Rule of Law and the American Dream”

WHEREAS: Law Day is a day of public acknowledgment of our Nation’s and State’s heritage of justice, liberty and equality under the law, and May 1st has been declared “Law Day” by the United States Congress; and

WHEREAS: The American Bar Association has declared the theme for Law Day 2026 as “Rule of Law and the American Dream”; and

WHEREAS: The Declaration of Independence states that all individuals are endowed with certain unalienable rights and chief among them are life, liberty and the pursuit of happiness;

WHEREAS: The Rule of Law, as defined by the World Justice Project, refers to a system of self-government in which the government and all individuals are held accountable to a set of fair, publicized, and broadly understood laws that are evenly enforced;

WHEREAS: The Rule of Law protects the rights necessary for each person to pursue their own happiness – their own vision of “the American Dream” – the belief that hard work can produce a better life;

WHEREAS: Today, as the Rule of Law and the American Dream face significant challenges, their enduring strength and vitality are enhanced by public education and understanding about our rights and responsibilities;

WHEREAS: The American Dream of individual and national prosperity is both dependent upon and critical to political liberty and social equality;

WHEREAS: The Rule of Law ensures that no single person or the government is above the law, and that all persons, regardless of their status, must be treated equally under the law, and that no one will be denied liberty or property without due process;

WHEREAS: For others, the American Dream is to become a citizen or for their children to be citizens, and, while challenged, the Rule of Law ensures that citizenship via the naturalization processes or through birthright citizenship is not arbitrarily denied;

WHEREAS: For many whose American Dream is to own their home, the Rule of Law promotes the protection of property rights, stable markets, certainty of contract, non-discriminatory practices, and consumer protection;

WHEREAS: The Rule of Law provides predictability and incentives that enable small business owners, entrepreneurs, and investors to generate sustainable economic growth and further their American Dream of economic mobility and financial independence;

WHEREAS: The Rule of Law protects workers and employers through clear regulations that promote fair labor, nondiscrimination, safety, and a stable job market, all of which are significant elements of the American Dream;

How A Cat's Paw Fable Now Helps Victims of Retaliation Win Their Cases

By Tom Pabst and Jarrett Pabst

In medieval times, a Lord of the manor had two house pets, a monkey and a cat. The monkey wanted the chestnuts the Lord was roasting over an open fire, but did not want to get burned, so he flattered the cat saying only the cat was smart and quick enough to grab the chestnuts, which they would both share and eat. The cat then put his paws into the fire, burning and singeing his paws, and grabbed multiple chestnuts which the monkey ate all by himself! The innocent cat paid the price for the greedy monkey. That is the "cat's paw" fable.

What does this have to do with employment retaliation claims? There are two ways an employer can be liable for retaliation against a plaintiff employee victim. One way is direct liability, which arises when the employer's decisionmakers have a retaliatory motive in firing plaintiff. For example, in *Cline v. Archdiocese of Toledo*, 206 F.3d 651 (6th Cir. 2000), a single female teacher got pregnant, and the school fired her for violating its "morals policy", which prohibited premarital sex. Nothing whatsoever happened to the male teacher who impregnated her. This selective enforcement by the decisionmakers themselves, of a perfectly lawful proffered business reason, was found to be discriminatory retaliation. No one was lying about anything in the *Cline* case.

The other way an employer can be liable is by vicarious liability. What if the retaliatory motive comes from a non-decisionmaker, such as a boss/supervisor of the plaintiff. In *Gray v. State Farm Mutual Insurance Co.*, 145 F.4th 630 (6th Cir. 2025), plaintiff, Monica Gray, was a State Farm adjuster who helped a co-employee get ADA benefits which angered her boss/supervisor. The boss/supervisor then sought to retaliate against Plaintiff Gray. He increased scrutiny of her timecards and found "timecard fraud" and reported it to the decisionmakers who also found timecard fraud in their independent investigation. Other employees were guilty of the exact same timecard fraud Plaintiff Gray was doing, but no discipline was meted out to them. Plaintiff Gray told the innocent decisionmakers that it was unlawful retaliation, but the decisionmakers fired her anyhow.

The Court in *Gray* found these facts gave rise to a *prima facie* case of retaliation that the jury had to decide. Increased scrutiny often gives rise to evidence of causation, which is a relatively easy element to prove at the motion for summary disposition stage. The "proximate cause" which led to Plaintiff Gray's firing, was found to be the boss/supervisor's reporting of the timecard fraud to the decisionmakers. Thus, the boss/




Tom Pabst



Jarrett Pabst

supervisor's retaliatory motive was imputed vicariously to the decisionmakers. All of this occurred even though no one lied about the timecard fraud, which Plaintiff Gray could not rebut. The decisionmakers' "honest belief" that Plaintiff Gray committed timecard fraud and should be fired for it did not prevent the neutral/innocent decisionmakers from becoming the injured "cat's paw" for the boss/supervisor's retaliatory motive.

Certainly, some employers will feign self-righteous outrage that an employee who violates a perfectly proper policy of the employer can't be fired for doing so. But where was State Farm's self-righteous outrage when it refused to fire other employees who were committing the same timecard fraud as Plaintiff Gray? Why did it refuse to do so? Similarly, where was the self-righteous indignation of the employer in *Cline* when it refused to fire the male employee who impregnated the single female employee? Both knew the rules were being selectively enforced against the plaintiffs but agreed to do it anyway. How "innocent" are these employers really? The only party committing a clearly unlawful act is the employers.

Moreover, and most importantly, retaliation does not have to be the only reason, or even the main reason, it just has to be one of the reasons that made a difference in the decision to fire plaintiffs. That's the law of Michigan. See MCivJl 105.02. Now, no attorney's or judge's analysis of a plaintiff employee's wrongdoing will be complete unless and until the facts of the case are put through the vicarious liability cat's paw theory of retaliation. 

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Meet Young Lawyer Representative Austin Church



Austin Church

Family: Maddie Church (spouse), Emerson Church (child)

Undergraduate school, degree and grad year: Oakland University, BA in Political Science, Minors in Business and International Relations, Graduated 2020


Law school and grad year: Wayne State University Law School, Graduated 2023

Bar Association member since: 2023

Area(s) of practice: Real Estate Litigation, Construction Litigation, Probate and Probate Litigation, Estate Planning, Landlord-Tenant

Office location, phone number, and email address: CF Legal PC, 302 E. Court St., Flint MI 48502, (810) 232-1112, austinchurch@cflegal.net

GCBA involvement (committees and activities): Probate Committee

Reasons you believe in service to the GCBA: I believe in service to the local county bar association because it promotes mentorship, education, and professional development at every stage of practice. As a younger attorney, I have benefited from the guidance, knowledge, and professionalism of more experienced practitioners, and I value the opportunity to learn from and engage with them through Bar involvement. Active participation in the county bar helps build a supportive legal community where attorneys can develop their skills, share perspectives, and uphold high standards of practice for the benefit of both the profession and the public. 



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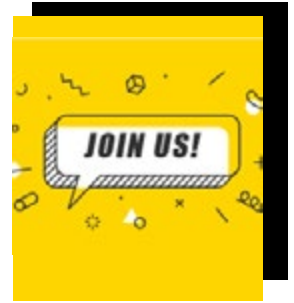
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Event Registration – GCBA Golf Outing



Hello Fellow Golfers,

The 48th Annual GCBA Golf Outing will take place on Monday, June 15, 2026. The event kicks off with registration and lunch at 11 am with a 1 pm shotgun start. Dinner and program to follow promptly at the conclusion of the Golf Outing. Start to plan now to join us in a great time!

Not a golfer? No problem, join us for the dinner and program. Watch the monthly newsletter and weekly news blurbs from the GCBA for details. 



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