

September 2022

# BARBEAT

Genesee County Bar Association



Nancy K. Chinonis, 2022-2023 GCBA President

Strength and Purpose

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# Strength and Purpose

By Nancy K. Chinonis, President

As we put summer behind us, I am honored to submit my first article as President of the Genesee County Bar Association. As I approach this daunting task—to help inspire, educate, lead, and motivate the legal community—I am comforted knowing that I have an excellent Executive Board and Board of Directors who plan to be actively involved in working for the best interests of our legal community. I also have the benefit of having spent several years as a member of the Board of Directors and the experience of moving up through the ranks of the Executive Board. I have had the benefit and privilege to observe and work with some tremendous leaders of our community. I realize that I cannot emulate the great bar presidents of the past; however, I hope and pray that their example continues to lead us on a path of strength and purpose.

For those of you who don't know me, I am a shareholder at Cline, Cline & Griffin, PC, a full-service law firm in Flint, Michigan. I am a litigator specializing in employment law and medical malpractice defense. I began my legal career as the Judicial Advisory Assistant to the Honorable Judith A. Fullerton, where I spent two years observing, researching, and learning what to do (and what not to do) in the courtroom. I then worked for the Law Offices of Dean T. Yeotis for seven years, practicing employment and labor law. In January 2017, I joined Cline, Cline & Griffin, PC, and became a shareholder in January 2021.

This year the Genesee County Bar Association turned 125 years old. This did not occur by happenstance. It is the result of the hard work, dedication, and tenacity of the many

fine lawyers who have come before us. This year, I intend to continue the great traditions of the GCBA and to lead with strength and purpose. I hope to connect with new members and senior members to learn about current challenges in order to better understand the needs of our membership so that we, as an organization, can together focus on ways to improve the legal profession. As we embark on a new year, I look forward to working with the entire membership to elevate our level of professionalism; to optimize member engagement; to bolster our skills in advocacy; and to ensure the strength of this great organization for years to come.

In order to accomplish these goals, I would like to invite you to attend and participate in our monthly membership meetings. I also look forward to organizing some additional social events where we can come together for networking, mentoring, and fun! Likewise, I encourage everyone to participate in one or more committees. It is through the committees that you can have direct input in helping shape the future of this organization. We are only as good as our membership. Your help and participation is vital to our continued success.

In closing, I look forward to serving this organization with everything I have to offer. I feel blessed to have been elected by my peers, and to lead an organization I have been involved with since the beginning of my legal career. I love the GCBA, and I hope to earn your respect as its President.



Nancy K. Chinonis

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## From The Editors

By Sean M. Siebigteroth and Shelley R. Spivack

As we finalize the fall issue of BarBeat, I stopped to think about the word “edit”- what does it mean, what is it that we do as editors of a county bar journal? My first impulse was to pull down my Oxford American Dictionary from the bookshelf above my desk. “Edit”- both a verb and a noun. As a verb to “assemble, prepare, modify, or condense (written material, esp. the work of another or others) for publication”; “to be in overall charge of the content and arrangement of (a newspaper, journal, etc).”

This definition pretty much sums it up. As the editors of BarBeat it is our job to assemble, prepare, modify, and arrange a quarterly magazine that informs and is of interest to our members.

In this issue, we chose to focus on our members and on the changing legal landscape resulting from the 2021-2022 term of the U.S. Supreme Court.

In her first column as GCBA president, Nancy Chinonis introduces herself to our readers and outlines her goals as president. As the GCBA elected four new directors to its Board, we have given each of them an opportunity to introduce themselves and tell readers what they hope to accomplish during their terms.

LindaLee Massoud, our former BarBeat editor, has started a new series focusing on the ways in which our members have served and given back to the community. In this month's Why We Serve column she highlights two longtime members:



Sean M. Siebigteroth



Shelley R. Spivack

Linda Berker and Mitch Dembo. We hear first hand from Berker and Dembo about the work each has done to make our community a better place in which to live.

While much has been written in the popular press about the U.S. Supreme Court's recent decisions, in our three *Supreme Court Roundup* articles, we have tried to give you a concise view of important cases relating to criminal law, religion, arbitration and reproductive rights. We hope that these articles will not only enrich your knowledge of the law, but move you to further your understanding of the issues presented by these cases.

We would also like to extend our congratulations to Judge F. Kay Behm on her nomination by President Biden to the U.S. District Court for the Eastern District of Michigan. We are certain that her stellar work in Genesee County will serve her well in the confirmation process.

Lastly, we need to hear from you, our readers, about what you would like to see in future issues and to volunteer as writers of future articles.

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## New Board Members

This past spring the GCBA elected Heather Burnash, Robert Goldstein, Rachel Hawrylo, and Mary Hood 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 what they hope to accomplish during their term of office.



### Heather V. Burnash

Greetings! It is a privilege to be serving on the Board of the Genesee County Bar Association, and I am eager to get to work for the upcoming year!

I have been a member of the Genesee County Bar Association since graduating from Thomas M. Cooley Law School in 2008. I have always enjoyed helping out at the Holiday Dinner and attending the many social events and monthly meetings hosted by GCBA over the years. I am a lifelong Flint resident, having graduated from Kearsley High School in 1992 and the University of Michigan-Flint in 1995, and am fully invested in giving back to my community. For the past decade, my criminal defense law practice has been located in the Mott Foundation Build-

ing, downtown Flint. In addition to practicing in the State of Michigan, I am also licensed to practice in the Eastern District of Michigan and the US Supreme Court.

Moving forward, I would like to make sure the residents in Genesee County are fully aware of who we are and what we have to offer them. My goals are to increase membership and increase membership participation at our events and to have more of a presence in the local community through outreach. Increasing benefits and services offered to our membership is also important.



### Robert Goldstein

I am Robert Goldstein and I am honored to be elected to the Genesee County Bar Association Board of Directors. By way of my background, my father Richard M. Goldstein was a longtime practicing attorney in Genesee County and always emphasized the importance of participation with the local bar and service with the Bar Association.

I am a partner with the law firm of Garan Lucow Miller, P.C., which was first established in Detroit, Michigan in



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1948. Garan Lucow has had a longtime presence in Genesee County and I have been with the Grand Blanc office since 2000. My practice primarily focuses on all aspects of civil defense litigation.

My wife Karen and I have two adult sons, Kyle and Matthew. Kyle works for the State of Michigan, and Matthew is in the Air Force and stationed in Montana, which he seems to thoroughly enjoy.

As a Board Member, I would like to see continued promotion of the Genesee County Bar to residents of Genesee and adjoining counties and to continue to build a reputation as a bar providing excellent legal work. Also, I would like to see emphasis on the role of the Bar Association in providing and supporting charitable causes.

I look forward to serving and welcome any comments to further the goals I hope to accomplish. Thank you.



Rachel Hawrylo

### Rachel Hawrylo

I am an attorney at the law firm Butler Rowse-Oberle PLLC representing credit unions in the areas of bankruptcy, collections, and probate matters. I graduated *cum laude* from Thomas Jefferson School of Law in San Diego, California and became licensed to practice law in the State of California and the United States

District Court for the Southern District of California in 2008. I returned to Michigan and have been admitted to the State Bar of Michigan and the United States District Courts for both the Eastern and Western Districts of Michigan. I earned a Bachelor of Science degree in Business Administration with a major in Economics and a minor in legal studies from Central Michigan University in Mount Pleasant where I later served as an adjunct professor.

In my spare time, I enjoy traveling, hiking, kayaking, occasionally running, and watching my kids play sports. I coach my daughter's cheer team for the Davison Youth Cheer

Program and do my best to support the many community events around Genesee and Lapeer Counties as a Certified Tourism Ambassador.

With my new position on the Board of Directors for the GCBA, I hope to serve the members to the best of my ability. My goals are to promote meaningful benefits to the members and assist in efforts to reach out to the community.



Mary Hood

### Mary Hood

Greetings! As a lifelong resident of the City of Flint I am honored to serve on the Board of Directors of the GCBA.

After graduating from Northern High School, I obtained my B.A. at the University of Michigan-Flint and my J.D. at Thomas M. Cooley Law School. Upon graduating from Cooley,

I worked for Legal Services of Eastern Michigan in Saginaw assisting domestic violence victims. My public service continued with an appointment to an assistant city attorney position in Highland Park. Thereafter, I became the first female attorney appointed magistrate for the 68<sup>th</sup> District Court. During two of these years, I was president of the Mallory Van Dyne Scott Bar Association. Since 2002 I have served as an Attorney Referee for the 7<sup>th</sup> Judicial Circuit Court-Family Division where I hear both domestic and juvenile cases.

I have been a member of the GCBA for nearly thirty years. Over the years I have participated in various efforts and found my experiences and contributions to be rewarding and beneficial to the bar association fulfilling its mission. I am committed to continuing its mission through continued use of tried-and-true methods of serving our members, improving the law, educating the public, giving back to the community, and embracing innovative ways to improve upon and strengthen us collectively. Again, I thank you for your vote of confidence and I look forward to serving our members.



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# Supreme Court Roundup: Arbitration and Religion

By Sean M. Siebigteroth



Sean M. Siebigteroth

In *Morgan v Sundance*, No. 21–328 (May 23, 2022), the Supreme Court considered whether the federal policy favoring arbitration reflected in the Federal Arbitration Act (FAA) permitted Circuit Courts to deviate from general federal waiver law and impose an actual prejudice requirement on a party claiming a party waived its right to insist on arbitration. Petitioner Morgan filed a nationwide collective action against Respondent Sundance, a fast-food franchisee, in federal court for violations of the Fair Labor Standards Act. Sundance litigated in federal district court for eight months, filing a dispositive motion and engaging in mediation. Only then did Sundance move to stay the case and compel arbitration under the FAA.

The District Court denied Sundance’s motion, but the Eighth Circuit reversed, finding that the passage of time was an insufficient basis and finding that Morgan could not demonstrate prejudice as its case law (and that of nine other circuits, including the Sixth) required.

In a unanimous decision authored by Justice Kagan, the Supreme Court rejected the prejudice requirement in the Eighth Circuit’s arbitration waiver rule. The Court noted that federal courts’ waiver analysis outside the arbitration context usually does not include a consideration of prejudice, and that relinquishment or abandonment of a right is usually sufficient in itself to show waiver. The FAA’s “policy favoring arbitration” does not “authorize federal courts to invent special, arbitration-preferring procedural rules[.]” it simply “place[s] agreements to arbitrate] upon the same footing as other contracts.” *Morgan*, slip op at 6 (citations omitted). The case was remanded for the Eighth Circuit to consider Morgan’s waiver argument without considering prejudice.

Two First Amendment cases this term demonstrate the Supreme Court’s view of the interplay between the Free Exercise and Establishment Clauses. In *Carson v Makin*, No. 20–1088 (June 21, 2022), the Court considered Maine’s voucher-like tuition assistance program for parents who live in school districts lacking a secondary school. Maine would provide tuition assistance to parents who enrolled in accredited nonsectarian schools but not religious-affiliated schools with the same accreditation. Petitioners sued Makin, Maine’s commissioner of education, claiming the “nonsectarian” requirement violated their “Free Exercise” rights. The District

Court rejected Petitioners’ constitutional claims and the First Circuit affirmed.

The Supreme Court reversed in a 6-3 decision authored by Chief Justice Roberts. The Court analogized to its recent precedent that invalidated disqualification of certain organizations from receiving state aid made widely available to private organizations solely because of their religious character. Such distinctions made only on a religious basis are subject to the strictest constitutional scrutiny, which the Maine tuition assistance program cannot survive.

In *Kennedy v Bremerton Schl Dist*, No. 21–418 (June 27, 2022), the Court considered the dismissal of a public-school teacher and football coach who knelt to pray after games. The Respondent school district dismissed Petitioner Kennedy due to its concern about its liability under the Establishment Clause for Kennedy’s conduct. The District Court granted summary judgment to the school district, and the Ninth Circuit affirmed.

The Court reversed in a 6-3 decision. Writing for the majority, Justice Kavanaugh stated that Kennedy met his initial burden of showing infringements of his rights. Under the Free Exercise clause, the Petitioner demonstrated that the infringement was not due to a neutral or generally applicable district policy, but one that uniquely burdened religious conduct. Under the Free Speech Clause, Petitioner demonstrated that his speech was “as a citizen” and not as a government representative. Once those burdens are met, the district must show that its restrictions on Kennedy’s protected rights were narrowly tailored to serve a compelling governmental interest. The Court rejected the district’s two arguments: that failing to dismiss Kennedy would amount to an endorsement of religion, and that Kennedy’s conduct coerced his students to pray.

In dissent, Justice Sotomayor took issue with the majority’s construction of the facts below. Rather than privately praying after games while his students were otherwise engaged, Sotomayor explained that the district had longstanding concerns about Kennedy leading students in prayer after games and criticized the majority for giving the potential for coercion of Kennedy’s actions short shrift.

# Supreme Court Roundup: Reproductive Rights

By Shelley R. Spivack



Shelley R. Spivack

*We hold that Roe and Casey must be overruled. The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision....<sup>1</sup>*

*In overruling Roe and Casey, this Court betrays its guiding principles. With sorrow—for this Court, but more, for the many millions of American women who have today lost a fundamental constitutional protection—we dissent.<sup>2</sup>*

On June 24th the U.S. Supreme Court issued its decision in *Dobbs v Jackson Women's Health Organization*, a case that challenged Mississippi's ban on abortions performed after 15 weeks. While the outcome came as no surprise due to the leaked draft opinion, the 6-3 decision upholding the ban has profoundly impacted and divided the entire nation.

In writing for the Court, Justice Alito, joined by Justices Gorsuch, Thomas, Kavanaugh, and Coney Barrett, not only upheld Mississippi's ban, but overruled both *Roe v Wade*<sup>3</sup> and *Planned Parenthood of Southeastern Pennsylvania v Casey*.<sup>4</sup>

In overturning *Roe* and *Casey*, Justice Alito found that *Roe* was "egregiously wrong from the start"<sup>5</sup> and that it was "time to return the issue of abortion to people's elected representatives."<sup>6</sup> Employing a strict constructionist analysis, he reasoned that as abortion was not explicitly mentioned in the Constitution, the Court must look to see if it was "deeply rooted in the nation's history and traditions and implicit in the concept of ordered liberty."<sup>7</sup> After answering this question in the negative, he employed a five part analysis to determine whether the concept of *stare decisis* would prevent overruling *Roe* and *Casey*. Relying on landmark cases such as *Brown v Bd of Education*,<sup>8</sup> the Court in overruling

*Roe* and *Casey* concluded that "*stare decisis* is not a straight jacket."<sup>9</sup>

While the Court criticized *Roe*'s reliance on the concept of "liberty" that had been established in the birth control cases<sup>10</sup> and relied upon in *Lawrence*<sup>11</sup> and *Obergefell*,<sup>12</sup> Justice Alito went out of his way to state that the rights established in these cases were not in jeopardy.<sup>13</sup>

Justice Kavanaugh, while agreeing with the majority, wrote separately to emphasize that the Court's decision did not outlaw abortion, but that the matter was now left to the states. Kavanaugh also opined that if states were to ban interstate travel to obtain an abortion, he would find such laws unconstitutional.<sup>14</sup>

Justice Thomas wrote separately to disagree with the statements that the ruling was limited to the issue of abortion and would not affect birth control, gay marriage, and sex between persons of the same gender:

*For that reason, in future cases, we should reconsider all of this Court's substantive due process precedents, including Griswold, Lawrence, and Obergefell. Because any substantive due process decision is "demonstrably erroneous." (citations omitted).<sup>15</sup>*

The Chief Justice, who agreed that the Mississippi law should be upheld and the viability rule discarded, disagreed with the Court's overruling of *Roe* and *Casey*:

*The Court's decision to overrule Roe and Casey is a serious jolt to the legal system—regardless of how you view those cases. A narrower decision rejecting the misguided viability line would be markedly less unsettling, and nothing more is needed to decide this case.<sup>16</sup>*

In a jointly written dissent, Justices Breyer, Sotomayor, and Kagen sharply disagreed with the majority's reading of the Constitution and of history, and detailed the decision's effect on the lives of women in this country.

*[O]ne result of today's decision is certain: the curtailment of women's rights, and of their status as free and equal citizens. ...As of today, this Court holds, a State can always force a woman to give birth, prohibiting even the earliest abortions. A State can thus transform what, when freely undertaken, is a wonder into what, when forced, may be a nightmare.<sup>17</sup>*

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In rejecting the majority's "pinched"<sup>18</sup> view of the Constitution the Dissent states:

*The Framers (both in 1788 and 1868) understood that the world changes. So they did not define rights by reference to the specific practices existing at the time. Instead, the Framers defined rights in general terms, to permit future evolution in their scope and meaning.*<sup>19</sup>

Looking at history the dissent noted that both Common Law and early American laws allowed pre-viability abortions.<sup>20</sup> Further, the dissent pointed out that as women were not perceived as equals in either 1788 or 1868, women's rights, including reproductive rights, would not have been considered when the Constitution and the Fourteenth Amendment were ratified.<sup>21</sup>

The Dissent echoes Justice Thomas in rejecting the majority's statements that the decision will apply only to abortion, and not endanger other rights, such as the right to interracial marriage<sup>22</sup>; and disagrees with Justice Kavanaugh concerning a state's ability to prohibit interstate travel. In closing the Dis-

- 5 *Dobbs*, slip op at 6.
- 6 *Dobbs*, slip op at 6.
- 7 *Dobbs*, slip op at 5.
- 8 347 US 483 (1954).
- 9 *Dobbs*, slip op at 70.
- 10 See *Griswold v Connecticut*, 381 US 479 (1965); *Eisenstadt v Baird* 405 US 438 (1972).
- 11 *Lawrence v Texas*, 539 US 558 (2003).
- 12 *Obergefell v Hodges*, 576 US 622 (2015).
- 13 *Dobbs*, slip op at 66.
- 14 *Dobbs*, slip op at 10 (Kavanaugh, J., concurring).
- 15 *Dobbs*, slip op at 3 (Thomas, J., concurring).
- 16 *Dobbs*, slip op at 11 (Roberts, C.J., concurring in part).
- 17 *Dobbs*, slip op at 4 (Breyer, Sotomayor, and Kagan, JJ., dissenting).
- 18 *Dobbs*, slip op at 16 (Breyer, Sotomayor, and Kagan, JJ., dissenting).
- 19 *Dobbs*, slip op at 16 (Breyer, Sotomayor, and Kagan, JJ., dissenting).
- 20 *Dobbs*, slip op at 13 (Breyer, Sotomayor, and Kagan, JJ., dissenting).
- 21 *Dobbs*, slip op at 14 (Breyer, Sotomayor, and Kagan, JJ., dissenting).
- 22 *Loving v Virginia*, 388 US 1 (1966).
- 23 *Dobbs*, slip op at 57 (Breyer, Sotomayor, and Kagan, JJ., dissenting).

### Endnotes

- 1 *Dobbs v Jackson Women's Health Org*, No. 19–1392 (June 24, 2022), slip op at 5.
- 2 *Dobbs*, slip op at 90 (Breyer, Sotomayor, and Kagan, JJ., dissenting).
- 3 *Roe v. Wade*, 410 US 113 (1973).
- 4 *Planned Parenthood of Southeastern Pa v Casey*, 505 US 833 (1992)

## Supreme Court Roundup: Criminal Law

By Michael A. Tesner

While the end of the most recent Supreme Court term has riveted public focus on the changing landscape of reproductive rights, the U.S. Supreme Court has also released some notable opinions related to the practice of criminal law.

Chief among these is not actually a criminal case but may precipitate challenges in gun-related prosecutions throughout the country. In *New York State Rifle & Pistol Association Inc v Bruen*, No. 20-843 (June 23, 2022), the Court struck down a New York state law restricting concealed pistol licenses (CPL) to applicants who could show a "proper cause" (i.e., more than a general desire to protect themselves or their property) to carry a concealed firearm outside the home. In the majority opinion, Justice Thomas held that the Second and Fourteenth

sent finds that the only thing that has changed in the 49 years since *Roe* was decided is the composition of the court.<sup>23</sup>

Amendments provide to law-abiding citizens the Constitutional right to carry handguns publicly for their self-defense outside the home. Thomas did not foreclose regulations of this right, however, instead declaring that if "the Second Amendment's plain text covers an individual's conduct," the state has the burden to show the regulation is consistent with the historical understanding of the Second Amendment.

In a concurring opinion, Justice Kavanaugh, joined by Chief Justice Roberts, noted that the ruling does not bar states from imposing licensing requirements. Quoting from



Michael A. Tesner

*Continued on next page*

## Supreme Court Roundup: Criminal Law

Continued from page 11

*District of Columbia v Heller*, 554 US 570, 626–627 (2008), Justice Kavanaugh stated:

*[N]othing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places, such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.*

He noted that, while 43 states with “shall issue” CPL laws require background checks, firearms training, a check of mental health records, and fingerprinting, these restrictions are objective and specific, in contrast to the offending New York statute, which provided “open-ended discretion to licensing officials” requiring “a showing of some special need apart from self-defense.” Because Michigan law allows the open carrying of firearms without a permit and provides for a “shall issue” CPL licensing scheme, *Bruen* may not have a great effect on our criminal law, although the definition of “sensitive places” where the carrying of firearms may be prohibited leaves room for interpretation.

In *Denezpi v United States*, No. 20-7622 (June 13, 2022), the defendant was prosecuted twice for the same conduct giving rise to separate criminal offenses under both tribal law and federal law. He pleaded guilty to assault and battery before a quasi-tribal court and then later was charged with sexual abuse under the federal Major Crimes Act. Justice Barrett rejected the defendant’s Double Jeopardy Clause challenge, holding that the Fifth Amendment clause does not bar successive prosecutions of distinct offenses arising from a single act, even if a single sovereign prosecutes both cases.

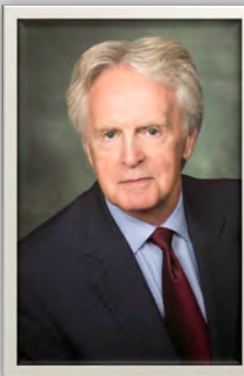
In another non-criminal case of note, *Vega v Tekoh*, No. 21-499 (June 23, 2022), the Court addressed a civil rights action under 42 USC § 1983, in which an individual charged with a crime, Tekoh, sued a police officer, Vega, for eliciting a confession in violation of his *Miranda* rights. Tekoh, a hospital employee, was tried and acquitted of sexually assaulting a patient, despite evidence that he made a written confession to Vega. Tekoh then sued Officer Vega for money damages, alleging that he coerced him into making the statement without first notifying him of his *Miranda* rights. The Court held that violation of *Miranda* does not give rise to a claim under § 1983.

Finally, the Court addressed a Confrontation Clause issue in *Hemphill v New York*, (No. 20-637), 142 S Ct 681; 211 L Ed 2d 534 (2022). The defendant was on trial for

murder and claimed that another individual was responsible for the crime. He argued that police had recovered 9 mm ammunition from that other individual’s nightstand shortly after the victim had been shot and killed by a 9 mm bullet. That individual, however, pled guilty only to possessing a .357 revolver. When that individual was unavailable to testify at defendant’s trial, the state sought to admit the transcript of the plea to establish he had only possessed a .357 and not a 9 mm firearm. The plea transcript was admitted under a state law allowing otherwise inadmissible hearsay where a defendant has “opened the door,” where it was “reasonably necessary to correct [a] misleading impression” “made by the defense’s” “evidence or argument.” The Supreme Court reversed the conviction, holding that “[t]he Confrontation Clause requires that the reliability and veracity of the evidence against a criminal defendant be tested by cross-examination,” *id.* at 694, and reliability of a testimonial statement cannot be determined by the court, *id.* at 691-692.

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# Admissions Ceremony

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Congratulations to Iman Abdulrazzak, Willie Wallace, and Mitchell R. Young on their admission to the State Bar of Michigan on June 1, 2022.

Thank you to Judge F. Kay Behm, Judge Chris Christenson, GCBA President William J. Brickley, Samantha J. Orvis, Torchio W. Feaster, Michael R. Stanley, and John K. Folts for making this a memorable day!





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By Francine Cullari-Sanchez



Francine Cullari-Sanchez

## Fashion Police

Our courts are overburdened now, but imagine how much worse it could be if the Puritan fashion police were still in force. New England's "sumptuary laws" regarding dress typically were to distinguish high classes from lower ones or sometimes to keep the wealthy from unnecessary indulgences. The Puritans cast a moral meaning to the laws, avoiding pride, greed and envy. Hawthorne referred to the laws in *The Scarlet Letter*, describing Hester Prynne's attire. Long hair, silver and gold hatbands, belts, gold cloth, lace, short sleeves, curling and immodest laying out of hair by women, perfume, cosmetics, wigs, false teeth, high-heeled shoes and other fashions could all land a wearer in court. In New Jersey, certain violations by women would render a marriage null and void. In the 1650's, the laws became more class-conscious and the wealthy could wear banned items. As one might expect, magistrates and public officers, their wives and children militia officers, soldiers, and those with advanced education or employment were exempt!

Sarah Laskow, *The Hidden Rules of the Fashion Police*, *Atlas Obscura*, July 10, 2017, <https://www.atlasobscura.com/articles/sumptuary-laws-puritan-fashion-colonies-modesty>.

## "Divorce Colony"

Nevada may have the highest divorce rate today but in the late 1890s, the hot spot for divorce was South Dakota. Divorce laws there were lenient, unlike New York which required a showing of adultery and South Carolina where divorce was not allowed.

Notably, the residency requirement in South Dakota was only three months, which encouraged prominent east coast socialites to go west to the "Divorce Colony", primarily at the Cataract House hotel in Sioux Falls, "Mecca for the mismated" (coined by the *Pittsburgh Daily Post*).

Notoriety surrounded many of the divorces, such as that of John Jacob Astor III's niece, who was married to a titled Dutch diplomat. She claimed the diplomat tried to institutionalize her to get her fortune.

The colony was short-lived, however, when the state's citizens voted to extend the residency requirement to one year. Today, however, one can file for divorce in South Dakota immediately upon establishing residency. SD Codified Laws § 25-4-30.

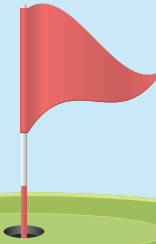
April White, *Seeking the Last Remnants of South Dakota's 'Divorce Colony'*, *Atlas Obscura*, June 14, 2022, <https://www.atlasobscura.com/articles/sioux-falls-divorce-colony>.

## Past President's Luncheon, June 3, 2022



# Thank You

**Thank you to everyone who participated in  
our 44th Annual Golf Scramble held at the  
Flint Golf Club on June 13, 2022.  
A good time was had by all!**



**1<sup>st</sup> Place: David Houbeck, Matt Chapin, Brendan Smith, and Aaron Coronado**

**2<sup>nd</sup> Place: Michael Parillo, Michael Manley, Jeff Childers and Kosta Poppof**

**Longest Drive Female: Heather Craton**

**Longest Drive Male: Bruce Leach**

**Closest to the Pin Female: LaDawn Hastings**

**Closest to the Pin Male: Steven M. Robb**

**Special thanks to everyone who supported our outing.**

## **Flag Sponsors**

Prosecutor David Leyton; George Brueck Mediation; Piper Legal; CF Legal, PC; William J. Brickley; Soggy Bottom Bar; Dort Financial Credit Union; Judge Christenson; Eric J. Mead Attorney at Law PLLC; Bail My Tail Bail Bonds; Eugene Butler, Private Investigator; Giarmarco, Mullins & Horton, PC; Hamo Law Firm; Vehicle City Bail Bonds - Shelley Benjamin; Judge Jessica J. Hammon; Rebecca Jurva-Brinn For Circuit Judge; Elias J. Fanous In Loving Memory of Kimberly Bayyounk Fanous ; and Brooke Tucker and Craig Datz on behalf of the GCBA Young Lawyers.

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# Why We Serve

Edited by LindaLee Massoud

*In this series of articles, Bar Beat is highlighting GCBA members who are quietly serving Flint and Genesee County through their service to charitable and community organizations.*



LindaLee Massoud

## Linda Berker

Hi. I'm Attorney Linda S Berker. I have been a volunteer with the **Sierra Club**<sup>1</sup> for many years, advocating for sound National Parks management (through pro bono representation of the club and wilderness society in national forest appeals). I have served as Vice Chair of the Mackinaw Chapter and Delegate from the Mackinaw Chapter to the National Sierra Club governing board.

In 1984, I worked with Mark Diana and Dermutt McMannus to establish the local Nepessing group of the **Mackinaw (now Michigan) Chapter**; my board positions have included Conservation Chair and, since 1983, the Fundraising Chair.

In approximately 1986 I helped to establish the **Flint River Watershed Coalition**<sup>2</sup> with Richard Hill Rowley, Jeff Mansour, and Jay Blair. I have served with the FRWC as a representative from the Sierra Club to the Board, and later as an at-large board member until my kidneys failed and I began nightly dialysis in 2019. I was then appointed as an emeritus member of the FRWC Board.



Linda at a march.

In 1990 I became a board member of the **Genesee County Educational Foundation**<sup>3</sup> where I have always promoted Ligon Outdoor Center, which is managed by the Foundation. The Ligon Center focuses on Environmental Education for the Lapeer and Genesee County schools. The Foundation now hosts 13 separate educational support funds for our counties' children, and I currently serve as the Chair.

I have also taken stands against air and water pollution as an unpaid representative of the general public and board member on the **Air Pollution Control Board** (before that Michigan State board was disbanded by Governor Engler).

Throughout my career I have attempted to act as a strong advocate for our environment. That is my calling, and I have and will continue to the best of my ability (which lately has been greatly limited by my failing health) be true to that calling.

P.S. If anyone out there would like to help me find a kidney donor or investigate donating a kidney for me, please call the Ascension St. John Kidney Transplant Outreach Center donor coordinator at 810-488-2161 and mention my name. They will send you a packet of information.

## Mitch Dembo

When asked why I serve as President of the **Colin J. Dembo Memorial Foundation**, a public charity, that answer is simple: to make our community and world a better place. On October 25, 2005, we lost our precious boy Colin Jacob Dembo at the early age of 5 years, 8 months. In his short life he gave so much to everyone and his sudden unexpected death has been devastating to everyone who knew him.

Colin's Foundation was created in 2007 to honor him and to do positive charity work in his name to make this a better place for us to live, as he would have done had he grown up to be an adult. Colin's Foundation, is committed to the mission of receiving and administering funds for awareness of viral myocarditis, towards research to diagnose, treat and end viral myocarditis, and to make donations in support of education.



Colin Jacob Dembo

With the proceeds raised through his all-volunteer public foundation, we support local education at his school, Cook Elementary School in Grand Blanc. Colin's Foundation fully funds the Colin Dembo Literacy Project, a creative writing program for kindergarten to second grade students which lost funding in 2008.

Since then, Colin's Foundation has continued to provide every student with a blank white hardcover book in which the children write and illustrate their own creative writing stories. Their writings are celebrated with an Author's Tea celebration at the end of the school year. It is quite a wonderful event that the students, teachers, staff and parents are so proud of, providing these young children with early creative writing skills.

Colin's Foundation also donates to research to end viral myocarditis at St Jude's Children's Hospital and LeBouneur Heart Institute in Memphis, TN. There have been many advancements in the diagnosis and treatment of viral myocarditis, and a lot more is known and understood about this devastating illness than in the past.

Colin made a difference in all of us while he was living and now as our Angel. For more information about Colin's story and how you can help Colin's Foundation, please visit <http://ColinsAngels.org> and become one of Colin's Angels today! Our motto is "Be Happy & Keep Smiling."

### Endnotes

- 1 <http://www.sierraclub.org>
- 2 <http://flintriver.org>
- 3 [https://www.geneseeisid.org/support\\_services/gcef](https://www.geneseeisid.org/support_services/gcef)

## Senior Luncheon Group

By Richard "Dick" Ruhala,  
Coordinator



Richard Ruhala

The Senior Luncheon Group is composed of GCBA members (and friends) who are either over the age of 65, retired, or engaged in a part-time law practice.

Due to the Covid-19 pandemic, we have not met very often over the past two years. We are now trying to meet again for our monthly luncheons which are planned to resume in September at Logan's Restaurant on Miller Rd (in front of the Genesee Valley Mall). In the past, we have met monthly at noon on the second Thursday of the month and will resume this schedule in September. We meet in a special room at Logan's and parking (including handicapped) is available near the front door.

Logan's has an extensive menu and attendees pay for their own lunch. The program generally consists of friendly table talk, stories, jokes, as well as suggestions on investments and places to visit. At times we have guest speakers who may present a talk on a topic of interest. No meetings are held during June, July and August. In December we have a holiday program where spouses and guests are welcome. (In fact guests are always welcome to join us regardless of age.)

Although most of our attendees are dues paying members of GCBA, it is not a mandatory requirement. The only officer of the the group is the coordinator, whose main function is to notify members of our events. I am currently the coordinator and have served in this position for several years.

We do have an Executive Committee which presently consists of John Mandelaris, Sally Joseph, Bob Ranson, Bobbie Wray and myself. The Executive Committee provides advice and suggestions on where to meet as well as programming.

Remember, our group is always open to suggestions and we would love to hear from you!

On behalf of the Senior Luncheon Group, I hope to see you on September 8th at noon for our first meeting of the 2022-2023 year.

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