

March 2025

BARBEAT

Genesee County Bar Association



Photo Credit: Shelly R, Spivack

“From the President: What's in it for Me?

From the Editor: Navigating the Return—
Endurance in Charted Waters

The Rules of Evidence—Changes,
Challenges and Clues

10 Ways Lawyers Can Start Using FREE AI Today

How to Submit an Item for Action to the State
Bar of Michigan Representative Assembly

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Clothier

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Remarks from Judge Hood's Investiture

Judge Hood's Investiture

Will We Remain A “Nation of Laws”?

2024 GCBA/GCBF Holiday Giving

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My 70th Year—A Photo Essay



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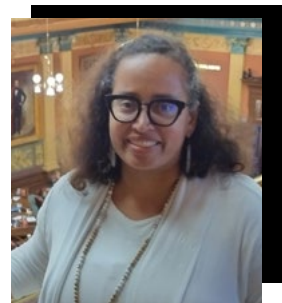
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From the President: What's In It for Me?

By Angela N. Wheeler, President




Angela N. Wheeler

Spring is afoot, giving us another opportunity for new beginnings. As we continue to take on the new year, the Genesee County Bar Association offers benefits to its members, building on the five focus areas of its strategic plan. The Genesee County Bar Association's strategic plan includes: (1) Attracting and retaining membership; (2) Affiliate membership; (3) Networking; (4) Increase visibility of GCBA, thereby increasing the value the public places on local attorneys, which results in Increased Use of Local Attorneys; and (5) Education. Through a generous scholarship provided by the Neithercut Fund of the Genesee County Bar Foundation, doors are open for members to refresh their legal knowledge by attending the latest continuing legal education seminars, expanding their knowledge base and exposure to new areas of the law. Just like spring cleaning, members may dust off the cobwebs and make room for fresh legal updates that will enhance their practice and service to their clients. Please take advantage of this reimbursable scholarship for which all members are eligible.

Another benefit is the GCBA membership card. This is a brand-new program offering discounts to members that was recently launched in January. Many of our local businesses are participating and can be a resource. We will continue

to expand the list of participating businesses. Please use your membership card to take advantage of these exclusive benefits.

In addition, the GCBA wants to partner with members to successfully reach their goals for business growth throughout the community. As a result, the GCBA is working to revamp and enhance the lawyer referral program by making necessary changes that will benefit its members, better serving GCBA members and those who need legal services. Therefore, as we continue to understand GCBA members' needs, we will continue to provide value-added services that build on the success of our members, so that when you are asked why you choose to be a GCBA member, you know what's in it for you—you know the "why." Finally, when I am asked why I am a GCBA member, it is because of the members, the knowledge and mentorship received, Lunch N' Learns and other education opportunities, networking, the friendships I have made over the years, and the personal reward received from serving the legal community.

GCBA is dedicated to supporting the legal goals of each of its members through the strategic plan, and will continue to listen to the membership to develop its programming and benefits. 

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From the Editor: Navigating the Return—Endurance in Charted Waters

By Julie A. Winkfield



Julie A. Winkfield

The return to work after time away—whether a vacation, a sabbatical, or a moment of respite—can feel like an unrelenting slog. The schedules, deadlines, and obligations pull us back into a world of structure and demand, much like the rigid itineraries of a cruise ship dictating where we must be at every moment. Yet, in the midst of this return to routine, we find moments of reflection—just as I did, gazing over the Atlantic Ocean while on a cruise ship this February, contemplating the vastness before me and the history that shaped the waters that I traversed.



As the cruise ship powered toward the Dominican Republic, I considered the meticulous charting of these waters—an endeavor spanning centuries of exploration, colonization, and nation-building. These waters have been studied, navigated, and structured, much like our own legal system. The evolution of laws and legal institutions mirrors the historic organization of these seas: structured pathways created through precedent, governance, and a deep understanding of interconnectedness. Laws, like nautical charts, provide guidance, ensuring that societies do not drift aimlessly but move forward with direction and purpose.

Yet, even in these charted waters, there remains uncharted territory. The ever-evolving landscape of legislative changes, sweeping executive orders, and judicial transformations calls into question our collective approach to governance and justice. Are we venturing forward with due reverence for history and precedent, or are we treating our path as if it were an entirely new expedition, disregarding the wisdom of those who navigated before us?

Attorneys, like navigators, must recognize both the history that informs our profession and the evolving challenges that require boldness and adaptability. The legal system is not an abyss of uncertainty but a structured yet fluid entity, shaped by interconnected histories and interdependent societies. Our role is not merely to react to change but to ensure that such change is measured, informed, and mindful of the past.

As we move forward, the question remains: Do we have the courage—the temerity—to respect the lessons of history while forging ahead responsibly? Can we embrace change without losing sight of the principles that ground us? The answer lies in understanding that endurance is not just about persistence; it is about knowing where we have been so that we can navigate where we are going. **B**



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The Rules of Evidence—Changes, Challenges and Clues

By Joseph J. Farah, Retired Circuit Court Judge



Joseph J. Farah

Every now and then, things change—including the rules of evidence. Although most folks find merit in the adage, “If it ain’t broke, don’t fix it,” sometimes “broke” is in the eye of the beholder. Much like the proprietor of Pottery Barn determines what is broken, so does the Supreme Court—the promulgator of the rules of evidence.

The Changes: 1. MRE 703: Basis of an Expert’s Opinion

One of the most significant changes affects MRE 703, Basis of an Expert. Experts are widely used in civil, criminal, and domestic cases. Previously, the rule required that the facts and data forming the basis of an expert’s opinion “shall be in evidence.” While that requirement appears to have been retained, an addition has been made. Now, an expert may base their opinion on facts or data that they have been “made aware of or personally observed.”

The implications of this change have yet to be fully developed through case law, as the revised rule has been in effect for less than a year. For counsel, this means hesitation in challenging an expert’s basis for their opinion may be warranted. The clarity of this change—and its practical impact—will unfold in time.

2. MRE 404(b): Other Acts Evidence

Another notable change pertains to MRE 404(b), commonly referred to as “other acts” evidence. Before non-criminal practitioners tune out, it is essential to note that MRE 404(b) applies not only in criminal cases but also in civil cases and against witnesses—not just parties.

The revised rule eliminates language that broadly connected “other acts evidence” to the cause of action through temporal proximity. Instead, the amendment emphasizes the materiality of the evidence, aligning more closely with recent case law. This shift reinforces the necessity of demonstrating a direct connection between the act and a material issue in the case.

3. MRE 801(d)(2): Opposing Party Statements

Previously known as “party admission,” MRE 801(d)(2) has been renamed “An Opposing Party’s Statement.” This change clarifies that admissibility depends on the status of the declarant rather than the content of the statement.

MRE 801(d)(2) is a hearsay exclusion—it exempts statements from the hearsay definition rather than qualifying them under an exception. This distinction helps differentiate it from its often-confused counterpart, MRE 804(b)(4), which covers Statements Against Interest. Unlike MRE 801(d)(2), the latter rule hinges on the content of the statement, not the declarant’s status. In fact, the word “party” appears nowhere in MRE 804(b)(4).

Thus, the renaming of MRE 801(d)(2) provides greater clarity in applying both rules.

Challenges

Challenges remain in defining and applying the rules of evidence. Nearly every case—civil or criminal—turns on these rules. However, few relish evidentiary disputes, aside from dedicated evidence professors.

The mere mention of “objection, Your Honor” often elicits a collective groan, necessitating the intervention of Maalox and Motrin. How can lawyers and judges avoid these difficult moments? Adopt a martial arts approach—avoid the confrontation. But how?¹

1. Stipulation

Avoiding unnecessary confrontation is key. Stipulation is an underused but effective tool. Attorneys should collaborate to resolve evidentiary issues in advance—pick up the phone, send an email, and negotiate. Litigation often resembles a game of Liars’ Poker, where neither side fully understands the rules of evidence, yet both pretend they do. Save yourself the struggle and stipulate to admissibility where possible. The judge will thank you.

Judges can assist in this process. At settlement conferences, they should pose evidentiary questions to counsel, reducing the number of disputed issues that must be resolved at trial.

2. Anticipation and Preparation

If evidentiary disputes cannot be resolved in advance,

preparation is crucial. Consider the following:

- **What witnesses will you call?**
- **What testimony will you elicit?**
- **What documents will you introduce?**
- **What objections might arise, and how will you respond?**
- **What objections will opposing counsel raise, and how can you preempt them?**

Thinking like your opponent will make you appear well-prepared and formidable in court.

Consider Vice Presidential candidate Lloyd Bentsen's famous debate moment against Dan Quayle. When he declared, "Senator, I knew Jack Kennedy. I worked with Jack Kennedy. Jack Kennedy was a friend of mine. And you, Senator, are no Jack Kennedy," it was not spontaneous. It was the result of anticipation and preparation.²

If you doubt the value of preparation, you may want to contact court administrator Barbara Menear for a deal on hundreds of outdated legal reporters—since the Brooklyn Bridge isn't for sale.

Clues

Nearly every trial features objections based on relevance or hearsay. Since these are the most ordered items on the evidence menu, it is important that the kitchen get it right.

1. Relevance

When faced with, "objection, lack of relevance," your task is to articulate:

- **Why the evidence is relevant.**
- **What point it proves.**
- **How much it contributes to the case.**

Merely asserting, "Your Honor, this is clearly relevant!"


conveys nothing. Instead, focus on MRE 402, which outright bars irrelevant evidence, and MRE 403, which excludes relevant evidence only if its probative value is substantially outweighed by certain prejudicial factors. Do not mix the two, recognize them as two distinct alternatives.

2. Hearsay

If you respond to a hearsay objection by citing an exception, you have conceded that the statement is hearsay. But what if it isn't? Understanding the fundamental hearsay rules—MRE 801(a), (b), and (c)—is essential. When you get a hearsay objection and you respond with a hearsay exception, you have conceded that the statement *is* hearsay, when maybe it is not.

When arguing exceptions, remember that each has specific elements. Just as criminal offenses have elements, so do hearsay exceptions. Mastering these distinctions will make your objections and responses crisp, clean, and persuasive. Your judge will thank you.³

Final Thoughts

Hopefully, this article has filled your "silo" of evidence knowledge. If so, great. If it has merely struck a chord and inspired you to learn more, I'd be happy to play backup guitar. Contact me, I am happy to help. 

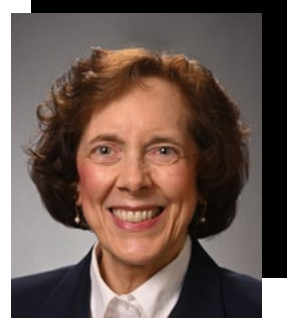
Endnotes

- 1 *Tombstone*. Directed by George P. Cosmatos, performances by Val Kilmer and Kurt Russell. Hollywood Pictures, 1993. Quote from characters Johnny Ringo and Doc Holliday, when a local sheriff tries to calm down gunfighters' exchange of epithets in Latin, "Come on, boys. We don't want any trouble in here, not in any language."
- 2 For those born after 1980 or so, you may want to Google the Bentsen/Quayle debate.
- 3 Brings to mind the catch phrase, "Crisp and clean, no caffeine," from the 1980s commercial for the soft drink 7Up, featuring actor Geoffrey Holder.



10 Ways Lawyers Can Start Using FREE AI Today

By LindaLee Massoud and Gemini AI



LindaLee Massoud

Artificial intelligence (AI) is no longer a futuristic concept. Free AI platforms are readily available, offering lawyers a powerful set of tools to enhance their practice without significant upfront investment. This article will explore 10 beginner-level AI applications that lawyers can easily integrate into their daily workflows using these free platforms, focusing on personal and general legal tasks that minimize the risk of exposing sensitive client information.

1. **Summarize Personal Notes:** Quickly summarize meeting notes, research articles, or even personal reading materials.
2. **Draft Personal Emails:** Compose professional and concise emails for personal correspondence, such as scheduling appointments or communicating with friends and family.
3. **Draft Basic Emails (for general legal purposes):** Compose professional emails to clients, colleagues, and courts with improved grammar and clarity, while avoiding the inclusion of sensitive client data.
4. **Generate Creative Content (for general legal purposes):** Overcome writer's block by generating alternative phrasing for legal arguments, crafting compelling opening statements, or even brainstorming new marketing copy for your firm (avoiding specific client details).
5. **Organize Research Notes:** Quickly organize and summarize research notes from various sources into a concise and coherent format, ensuring that any client-specific information is excluded.
6. **Translate Legal Documents (for general legal purposes):** Translate general legal documents or articles into different languages for your own professional development or for general informational purposes.
7. **Improve Legal Writing:** Identify and correct grammatical errors, improve sentence structure, and enhance the overall readability of your legal documents (excluding any documents containing confidential client information).
8. **Conduct Preliminary Legal Research:** Use AI to quickly search for relevant case law, statutes, and legal articles on a specific legal topic, focusing on general legal research rather than client-specific matters.
9. **Brainstorm Case Strategies (for general legal purposes):** Explore different legal theories and potential arguments for hypothetical case scenarios or general legal issues, avoiding the use of any client-specific information.
10. (Note: AI did not generate an item number 10 until it was prompted.)

Important Considerations and Caveats

- **Data Privacy: Crucially, avoid entering any confidential client information into free AI platforms.** This includes client names, addresses, contact information, case details, and any other sensitive data. Anything posted into an AI chat becomes publicly searchable (and the data would be added into the LLM's (Large Language Module's) "pool" of knowledge to share with another user.)
- **Accuracy:** Always verify the accuracy of information generated by AI. Free AI models may not always be perfectly accurate, and human oversight is crucial.
- **Hallucinations:** Be aware that free AI models may sometimes generate incorrect or nonsensical information (known as "hallucinations").

By exploring these beginner-level uses of AI, lawyers can leverage the power of free AI to enhance their personal productivity, improve their writing skills, and gain a better understanding of general legal principles. Remember to use these tools responsibly and critically evaluate the output, while always prioritizing client confidentiality.

AI's Disclaimer: This article is for informational purposes only and does not constitute legal advice.

Additional Practical Tips: (to get over that initial speed bump)

1. To help ensure your privacy, log out of your browser before you start. (Use the 3-line or dot menu indicator, or your silhouette, then Sign Out.)
2. Choose a stand-alone platform; use the free/no-login version.
 - a. <http://chat.openai.com> (Version 4o mini)
 - b. <http://gemini.google.com> (previously called Bard)
 - c. <http://perplexity.ai> (limited number of turns in the free version)
3. Embedded AI features for specific tasks are becoming more available every day.
4. <https://tinyurl.com/AI-EasyStart> —12 very short demo videos by LindaLee Massoud.
5. Have fun, while maintaining appropriate caution.

Prompt Specificity Determines Output Validity

The quality of the output depends on the quality of your prompt. "The 10 tips" part of the article above was entirely written by AI, but it took me three "iterations" to get it.

Prompt Sequence to Create this Article

WHO: Act as a legal writer who is also skilled in Generative AI.

WHAT: Write an article for a lawyer's magazine in which you highlight some good uses for AI at a beginner level. Include both personal and legal uses, but remember that this would be beginner level.

HOW: Organize the article with a numbered list of 10 sample uses. Keep the total word count under 750 words. Use a language level appropriate for attorneys or their staff.

1st Iteration:

I like the format of the document. *"Please use the same format, but change your recommendations to a mixture of personal and legal uses that would be available to a novice using a free AI platform and not a third-party or paid subscription version."*

2nd Iteration:

I like this much better; steps eight and 10 would still require using special AI tools, unless I am wrong. *"Can you revise those two to the beginner/free level, as you did with the others? And then restate the entire article, please."*

3rd Iteration:

I am laughing. As I get ready to submit the finalized article, I realize that we only ended up with 9 suggestions. *"Please offer a couple of suggestions for a 10th tip. Do not replicate any*

already in the article. Remember that this is for beginners using a free version. Remember that attorneys must be careful about sharing private data."

And also AI's 10th Tip After 3rd Iteration:


Option 1 (Focus on Skill Development):

Practice Prompt Engineering: Free AI platforms thrive on well-crafted prompts. Use the platform to experiment with different prompts for general legal topics or hypothetical scenarios. This will help you develop your prompt engineering skills, which are essential for getting the best results from AI tools. Focus on crafting clear, specific, and detailed prompts to see how the AI responds. This practice can improve your ability to effectively use AI in the future, even with more advanced tools.

Option 2 (Focus on

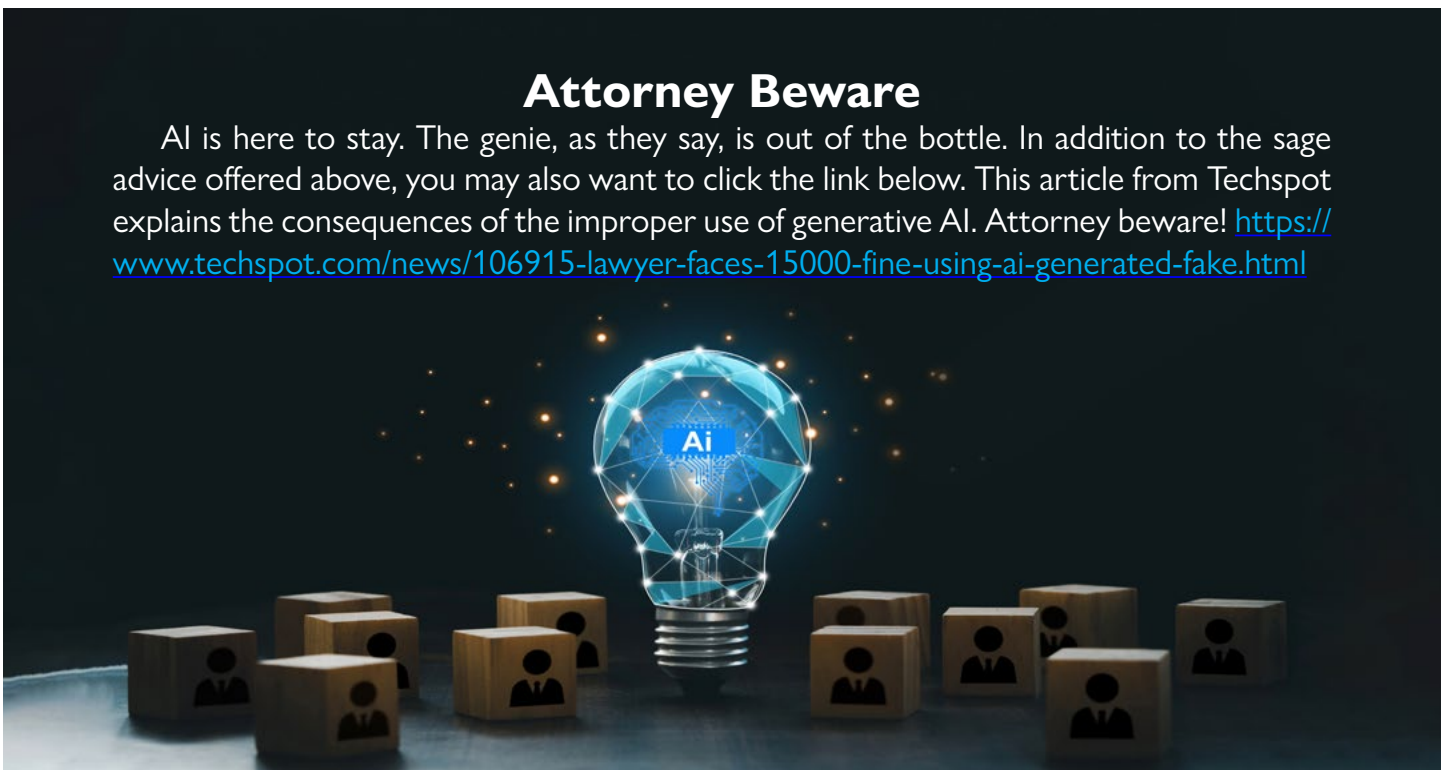
Language Enhancement - General):

Enhance Legal Vocabulary: Use AI tools to explore synonyms, related terms, and definitions for legal concepts. This can help you refine your legal vocabulary and improve your understanding of legal terminology without inputting any client-specific data. Focus on general legal terms and concepts rather than specific case details. You can ask the AI for "synonyms for 'breach of contract'" or "explain the difference between 'misdemeanor' and 'felony'."

Your author leans towards Option 1, as prompt engineering is a crucial skill for anyone using AI effectively, and it doesn't involve any risk to client confidentiality. Option 2 is also safe, but perhaps less directly applicable to a lawyer's core tasks. Either one would work well to round out the list to 10. 

Attorney Beware

AI is here to stay. The genie, as they say, is out of the bottle. In addition to the sage advice offered above, you may also want to click the link below. This article from Techspot explains the consequences of the improper use of generative AI. Attorney beware! <https://www.techspot.com/news/106915-lawyer-faces-15000-fine-using-ai-generated-fake.html>



How to Submit an Item for Action to the State Bar of Michigan Representative Assembly

By Julie A. Winkfield



Julie A. Winkfield

The State Bar of Michigan Representative Assembly, consisting of 150 attorneys, serves as the final policy-making body of the Bar. It addresses significant legal policy matters, including judicial campaign solicitation limits, fee-sharing regulations, First Amendment concerns, judicial appointment methods, and ethics rule modifications. Understanding the submission process is essential.

Local bar associations, including the Genesee County Bar Association, play a vital role in shaping legal policy by submitting proposals to the Representative Assembly. Participation in this process allows local attorneys to bring attention to critical issues affecting their legal community and ensures that the voices of Genesee County lawyers are heard at the state level. By taking an active role, GCBA members can influence policies that impact the practice of law and the administration of justice in Michigan.

Proposals can be submitted by any Representative Assembly delegate, the State Bar of Michigan Board of Commissioners, a State Bar Section with at least one-third approval from its council members, a State Bar Committee with one-third approval from committee members, or a local bar association. All proposals must align with the jurisdiction and legal framework of the Representative Assembly and the sponsoring entity.

Submissions should be sent to the Assembly Clerk at the State Bar of Michigan's Michael Franck Building in Lansing and must be postmarked at least 42 days before the next Assembly meeting. Eligible sponsors must submit proposals in writing as either an Informational Report for discussion purposes or a Report with Recommendation(s) for Assembly action. Reports should include the date, an official spokesperson's signature, details on preparation and approval, and a clear recommendation formatted as a motion if applicable. Proposed rule changes should display text modifications, and reports should not exceed five pages unless an extension is granted. Additionally, proposals should include fiscal and staffing impact statements and any prior Assembly action on the subject.

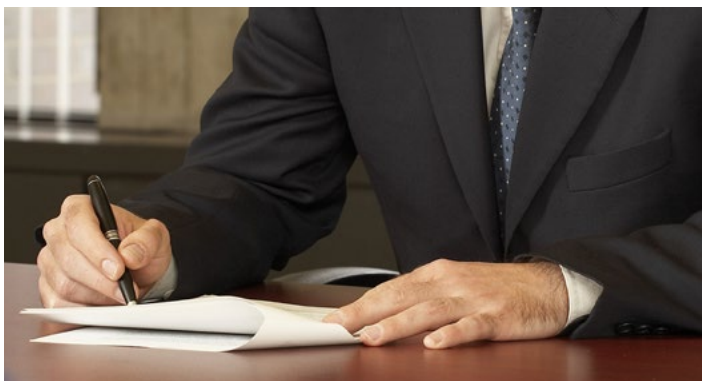
Once submitted, the proposal undergoes committee re-

view to ensure it meets formatting and jurisdictional requirements. It is then circulated for comment among relevant State Bar sections and committees, and feedback is shared with Assembly members and sponsors. At the Assembly meeting, the proposal sponsor presents the report, answers questions, and moves for adoption. Non-Assembly members must notify the Assembly Clerk if they wish to speak before debate begins. Successful proposals are often supported through lobbying efforts and advance communication with Assembly members.

Meetings are typically held in Lansing, except for the September meeting, which coincides with the State Bar Annual Meeting. Oral Information Reports are limited to five minutes unless an extension is granted. Sponsors must formally move for adoption, and if the motion is seconded, debate ensues before a vote is taken. If the motion is withdrawn, it is not debatable.

Once adopted, the State Bar of Michigan Executive Director oversees implementation, potentially leading to policy updates, legal framework modifications, or ethical guideline changes that impact the legal profession. Submitting an item for Assembly consideration is a valuable opportunity to influence legal policy. The Genesee County Bar Association is encouraged to take advantage of this process to advocate for meaningful change. Those interested should prepare a well-structured proposal and engage in the process.

For guidance, reach out to a Representative Assembly delegate or visit the State Bar of Michigan website for details on submission deadlines and procedures. Contact your regional commissioner on the State Bar Board of Commissioners and/or contact your circuit's Representative Assembly delegate(s) for more information. Please review the State Bar of Michigan website at <https://www.michbar.org/generalinfo/repassembly> for a list of delegates. 



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New Judge Profile: The Honorable Jeffrey E. Clothier, District Court Judge



Undergraduate degree and school: Bachelor Degree in Political Science and History, University of Michigan

Law school and year: Michigan State University School of Law, Juris Doctorate 1995

Original reason you wanted to be a lawyer/judge: I witnessed a fatal car crash when I was a sophomore in high school.


Influential individuals in your life/career: John Clothier and Judge Thomas Yeotis

Mentors: Brooke Clothier, Bernadine Clothier, and Michael Manley

Advice to young lawyers: Be prepared, be on time, and don't be afraid to ask questions when you don't understand. We've all been young lawyers at some point, and our job is to welcome you into the legal community—and make this transition something that you can pass on to the next generation.

Hobbies: I enjoy spending time with family, walking dogs, reading, and sports. I was a high school soccer coach for a period of 10 years.

Extra-judicial activities: Grand Blanc Chamber of Commerce, Humane Society of Genesee County

Family: My wife, Brooke; my daughters Kennedy, Abbey and Emma; and my dogs Lincoln and Maggie. 



New Judge Profile: The Honorable Mary A. Hood, Circuit Court Judge



Undergraduate Studies: Bachelor of Arts in Political Science, University of Michigan-Flint

Law School: Thomas M. Cooley Law School: 1991

Original reason you wanted to be a lawyer/judge: I wanted to be a lawyer dating back to my earliest childhood memories. I can only guess that my father influenced my career decision most. My

father wanted to be a lawyer and as a teen spent time on college campuses with his older brother, John Thomas, who became a lawyer. But my father ultimately chose marriage and a family over law school. He went to work in a factory as an hourly General Motors employee to support his family. Though he never realized his dream, my father believed the legal profession was an admirable and rewarding profession and he spoke highly of it, and his brother. I valued my father's opinion and it, along with the influences of the civil rights movement and Dr. Martin Luther King's leadership, were the greatest influences in my career choice.

My career path took its own course and ultimately led to me acquiring the knowledge, skills, and temperament neces-


sary to be a good, influential judge. I ran for office because I believe that I was the perfect candidate for the Circuit Court, especially the Family Division of the court. It was a win-win situation for me and the residents of Genesee County.

I have received advice from several colleagues and friends over the years as well as from coaches, teachers and pastors during my childhood that helped mold me and shape my career path.

Advice to young lawyers: Stay connected to your peers and your community and regularly do something selfless, and something you are terrified of doing. Never think you are the smartest person in the room and listen more than you speak. Finally, "do a job big or small do it right or not at all" (paraphrased a quote from Quincy Jones, Sr.).

Hobbies: Swimming, Yoga, Cycling, Traveling, Knitting, Cooking

Extra-judicial activities: Junior League of Flint, Flint Women's Forum, Zeta Phi Beta Sorority, Youth Arts: Unlocked. I spend considerable time in the community participating in various activities in various capacities, including speaking.

Family: My husband and I have been married for nearly 21 years, and we have a blended family of children, grandchildren, and great-grandchildren. 



Remarks from Judge Hood's Investiture

By Shelley R. Spivack

The investiture of Judge Mary A. Hood took place on January 23, 2025 at St. Michael's Conference Center in Flint. Amongst the speakers was former Attorney/Referee Shelley R. Spivack who offered the following remarks.



Shelley R. Spivack

I am incredibly honored to have been asked by Judge Hood to share a few remarks during her investiture ceremony. This is an historic occasion as Judge Hood is the first African-American in Genesee County to have been elected to a non-incumbent county-wide seat.

First, on behalf of the board and members of the Referees Association of Michigan, I want to congratulate Judge Hood on her election as a Family Court Judge in Genesee County. Mary Hood has been a longtime member of the Referees Association and exemplifies the excellence, integrity and dedication to service of Family Court referees throughout the state.

Judge Hood has been a colleague, and more importantly a friend, since we were both appointed as Family Court Attorney Referees in the fall of 2002. For those who remember back that far, this was shortly after the establishment of a dedicated Family Court in Genesee County. Five of us—Peggy Odette, Carolyn Boegner, Mike Krellwitz, Mary Thomas (now Judge Hood) and I—were all hired to serve as attorney referees, hearing both juvenile and domestic cases. At this time Peggy and Carolyn had been serving as Juvenile Court referees for many years, while Mike and I had also been serving as part time Domestic or FOC referees—Mike for many (I won't say how many) years longer than myself.

Little did we know at that time the impact that this newcomer, Mary Thomas, would have upon the court, upon the families she served, and upon us.

As a newcomer to the world of referees, Mary had to learn twice as much and work twice as hard as the rest of us. But learning twice as much and working twice as hard were not new to Mary. These were traits and attributes that were instilled in her as a child by her hardworking mom and dad, and which continued as she excelled in both academics and sports in high school, and throughout her years at U of M-Flint and Cooley Law School.

When thinking about what to say at this event, I thought not only about Judge Hood's determination, drive and striving for success, but also about what makes a good judge. Central to this is the idea of "justice." Many definitions can be found for this oft-used word, but I heard one that rang really true to me at last week's city-wide Martin Luther King dinner.

"Justice is the idea or concept that everyone should be treated with respect and the same standards, regardless of social category. It involves making wrongs right, holding the unjust accountable, ensuring that the wronged are made whole, and prioritizing the truth."

When applying these words and concepts to Judge Hood,

there is a perfect fit. When you work in family and juvenile court you work with people, not corporations or big institutions. While attorneys, judges and referees deal with many cases and see numerous children and parents daily, this is not the case with the people we see. Their case is not just a law school set of facts, it is their kids, their loves and their lives.

Judge Hood understands this. She understands the need to ensure that every individual who comes before her has a full opportunity to be heard in a courtroom where everyone is treated with dignity and respect, regardless of the color of their skin, where they may have come from, or the allegations against them.

She understands that while she cannot fix every problem, she has the ability in her role as judge to hold people accountable and in so doing, attempt to right wrongs and make people whole.

How do I know this? Partly by having worked side-by-side with Judge Hood for 18 years, but also by hearing from colleagues and even those who have appeared before her. As my time is limited I'll only give one example.

One day while I was at the U of M-Flint Recreation Center with a group of girls from Girls Court, one of the girls recognized Mary who was at the gym working out. She went over to Mary and said, "I recognize you, you're my referee. I want to thank you for not letting me go home, and keeping me in detention for a few more weeks. I wasn't ready to go home and I needed the time to straighten myself out. Thank you." Both Mary and I were shocked. We had never heard anyone thanking us for locking them up before.

While I am not here to talk about her community or family involvement, I would like to say a few words.

Since I have known her, Mary has always been there for her husband and family. While I won't go into specifics, she has always stepped up without any hesitation when the need was there.

She is also there for her community. One example is when I asked Mary to serve on the board of directors of Youth Arts: Unlocked, a nonprofit that brings arts workshops to kids in the juvenile justice center. Despite a hectic schedule, and many other commitments, Mary made serving on our board a priority, and has managed to be an active board member even through two campaigns.

To close, I would like to thank the voters in Genesee County for electing Mary Hood as a judge of the 7th Circuit Family Court, and I am confident that the word "justice" will not just be a meaningless word in her courtroom. **RB**

Judge Hood's Investiture



Will We Remain A “Nation of Laws”?

By Jerome Dallas Winegarden Jr.

Editor’s note: This article expresses the viewpoint of the author, and does not represent the viewpoint of the GCBA which does not take a position on the outcome of cases. Contrary viewpoints are welcomed.



Jerome Dallas Winegarden Jr.

In the United States, we are a nation governed by laws, not by the whims of individuals. Our constitutional framework ensures that power is divided among the three branches of government: Congress makes the law, the President enforces the law, and the judiciary interprets the law. The President is not empowered to create or obstruct laws through executive decrees, and when such actions overstep legal boundaries, it is the role of the courts to intervene.

Recent Supreme Court rulings highlight the judiciary’s role in upholding the constitutional separation of powers. In a 6–3 decision, the Court blocked President Biden’s attempt to forgive student loans through executive action, determining that such a policy required Congressional approval. Similarly, in *West Virginia v. EPA*, the Court rejected the administration’s broad interpretation of environmental regulatory authority, reaffirming that executive agencies cannot unilaterally expand their own powers beyond what Congress has explicitly granted.

A fundamental principle in statutory interpretation, taught in every law school, is to begin with the preamble of a statute. The preamble outlines the law’s goals and objectives, serving as a guide to its proper application. When a President issues executive decrees that contradict the clear intent of legislation—whether in education, labor, medical research, civil rights, diversity initiatives, or other federally mandated services—such

actions may constitute an unlawful subversion of the law.

Some argue that executive actions reflect the will of the electorate—“this is what the people voted for.” However, this is not a legally valid defense in our constitutional republic. Presidents, unlike kings or dictators, do not have the authority to make or unmake laws at will, particularly when such actions diminish essential services that protect the health, safety, and general welfare of the public.

The rule of law is the foundation of our democracy, ensuring that no individual—regardless of political office—stands above it. Executive decrees that disregard statutory mandates undermine the very principles of our legal system. As legal professionals, we must remain vigilant in defending the constitutional order and resisting attempts to bypass Congress or the judiciary through unilateral executive action.

Is this truly the “Golden Age” of American governance? Or are we witnessing an era where the balance of power is increasingly tested? The courts have a duty to uphold the law, but it is also the responsibility of legal practitioners and citizens alike to demand adherence to constitutional principles—ensuring that our nation remains one of laws, not of men. **BB**



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2024 GCBA/GCBF Holiday Giving

By Brian M. Barkey

Many of our members have mentioned to me how much they miss our traditional Holiday Dinner—an event they financially funded and personally worked on since 1992. They very much value the experience of serving our patrons personally and seeing their reaction to our work. Especially the children.

In the years since COVID and the closing of the Masonic Temple, we have had to take a different approach and the Holiday Giving Project was born. It has received the same level of support from our members and their families. This year over 80 donors gave all that we needed to completely fund the Project. We used these funds to furnish seven holiday meals catered by two local, non-franchised restaurants, to six area homeless shelters. This year we included warming centers in the Flint area, where we funded the distribution of 100 turkeys for holiday meals. Altogether we served over 600 meals!

We also funded the purchase of gifts to resident children that their families selected from Amazon gift lists, which were then delivered to the shelters.

I was able to attend these events and watch the parties, and enjoy the entertainment arranged by GCBA members, including Jack Tubbs, Glenn Simmington and others. This year we got a return gift to the Association. Several shelter directors received thank-you notes from the people who attended these gatherings

and this year, they passed them on to the Association.

One of them was a letter from the Shelter of Flint Vice President:

Because of you, there were squeals of joy from youngsters who received the toy or the cool pair of shoes they have wanted and that their parents, who are struggling to provide even the bare essentials, couldn't get them without your support. Because of you, parents silently choked back tears when they saw the delight in their children's eyes.

We also received 20 additional thank-you notes from shelter residents. Here are excerpts from three of them:

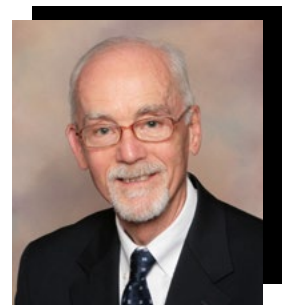
"I will remember this forever."

"I didn't think we would be able to have presents this year, but because of you, my kids are going to be so surprised and so happy."

"You are God's gift to my family and I."

They are at the GCBA if you want see them but I warn you—reading them will make your heart full.

Thank you to all of you that support this project. **BB**



Brian M. Barkey



Holiday Giving



My 70th Year—A Photo Essay

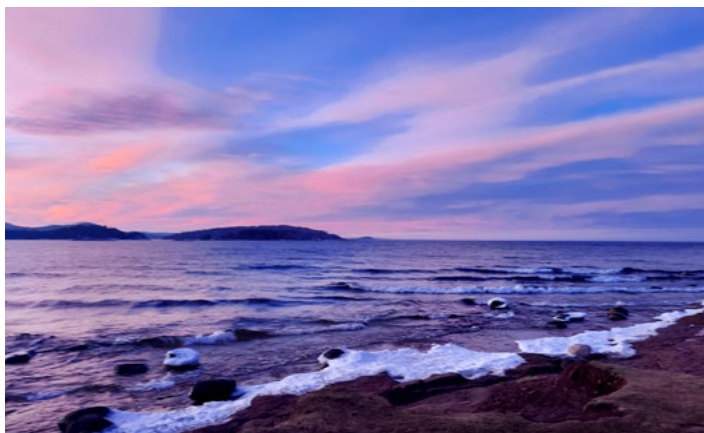
By Shelley R. Spivack

Turning 70 is not something you do every day. So, as my 70th year on this planet approached, I decided it would be a year to remember—a year to try new things, go new places, and meet new people.

As lawyers, we are always telling other people's stories. Oftentimes in the process, we forget our own stories. So here is the story of my 70th year through photos and a few words.

January

January brought me up to Munising and Marquette. While the warm winter had not produced the snow we wanted for skiing and snowshoeing, it did allow for some good hiking and jaw-dropping sunsets on Lake Superior.



February

In February I headed south, joining a group of cycling friends for a week of riding on the trails along Florida's Gulf Coast. This gator was waiting patiently for us as we cycled across a bridge overlooking his home.



March

March brought my grandson and I to Pittsburgh. While riding the bike trails, we found an iconic bicycle museum tucked away in a storefront in one of the city's former industrial neighborhoods.



Shelley R. Spivack



April

April took me on a two-week adventure in Morocco. Starting at the Casbah in Casablanca, we journeyed through the High Atlas Mountains to the Sahara Desert and beyond. Wandering through the winding alleyways of the ancient medinas in cities such as Marrakesh and Fez could make even the most level-headed person feel dizzy. A two-hour camel ride to a luxury campsite in the Sahara Desert proved to be an other-worldly (and unforgettable) experience!



May

I'd been to Spain numerous times, but had never made it to Barcelona. So, before journeying home from Morocco, we flew to the Catalan capital. Here, we walked the whole city, taking in numerous museums including one dedicated to Picasso's Barcelona years. La Sagrada Familia, the as of yet unfinished basilica designed by Antoni Gaudi, was a wonder for the eyes and the senses.



June

Back in the states in June, my brother and I headed to St. Louis to ride the Katy Trail, a 240-mile crushed limestone trail that follows the mighty Missouri River west. After returning to St. Louis, we headed to Springfield, Illinois, where we spent a week seeing all the Abe Lincoln sites on the Grand Illinois Bike Tour.



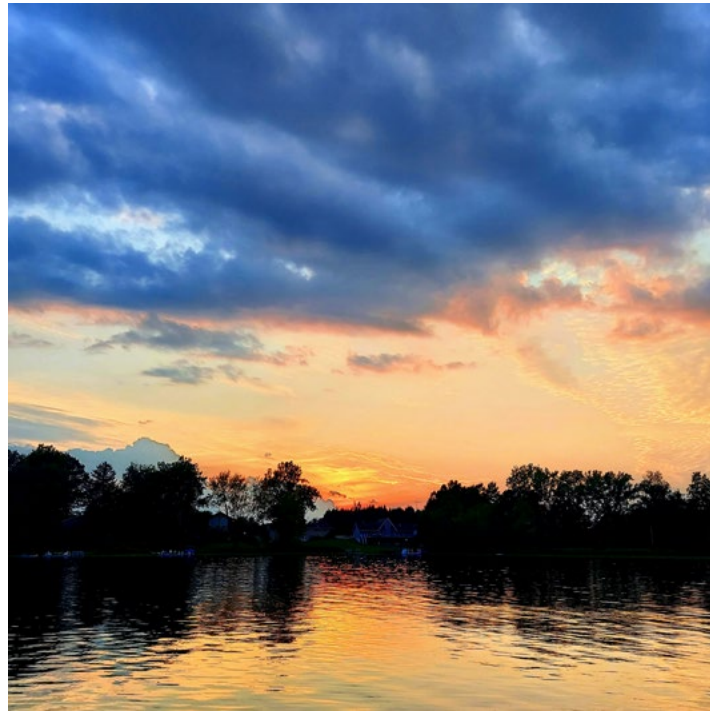
July

Summer in the Midwest is the time for bike riding. Perhaps my favorite ride was the Amishland and Lakes tour in Northern Indiana, where instead of sharing the roads with cars, we shared them with horses and buggies!



August

August is a time to enjoy Michigan's many inland lakes. The sunset, while kayaking on Schaefer Lake in southwest Michigan, was a picture waiting to be taken.



September

September brought me back to Europe where I joined my sister in Riccione, Italy for a week's stay at a bike hotel located on the shore of the Adriatic Sea. Here we pedaled vigorously in the morning to reach destinations such as the tiny country of San Marino, and then relaxed under an umbrella on the beach in the afternoons. After departing from Riccione, we travelled by train to Bologna and Venice—immersing ourselves in Renaissance art, stuffing ourselves with every type of pasta and drinking multiple glasses of Prosecco!



October

A flight on Wizz Air brought me from Venice to Tirana, Albania in October. Here a friend and I joined a group of 18 other cyclists from around the world to scale the Albanian Alps, learn about the history and culture of this once isolated Communist country, and meet some of the friendliest people (as well as goats and sheep) I have ever encountered. Ending our tour on the other side of the Adriatic, was a fitting finish to my month in Europe.



November

With November, came a cross country road trip to Arizona. Before heading to Tucson we spent a few days in Santa Fe and Sedona. If you love to hike, the red rocks of Sedona are not to be missed.

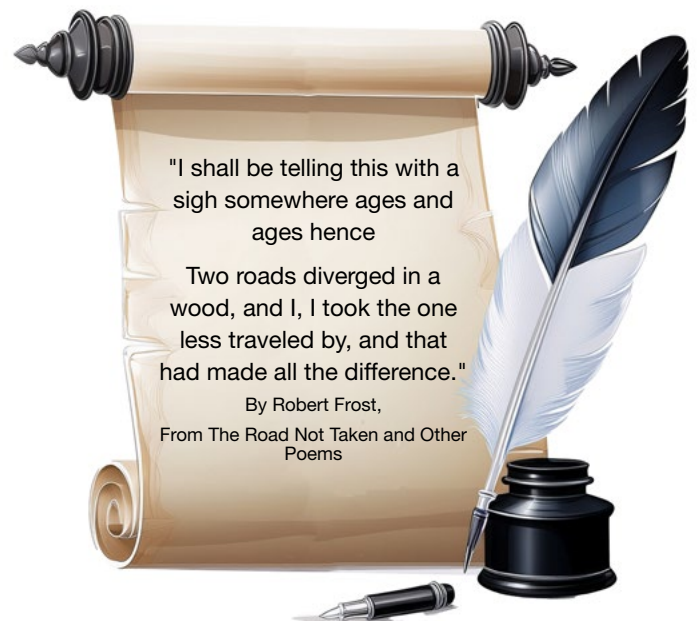


December

Catalina State Park is my go-to place in Tucson. A mere 5 miles from my rental home, I hiked, biked and even did a horseback ride in this saguaro filled mecca. Here's a photo of my 15-year-old grandson who, on his first trip out west, put down his phone for a minute to marvel at the cacti and the mountains.



It was a year to remember—and hopefully to repeat! **LB**





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