

January/February 2010

BARBEAT

Genesee County Bar Association



Chicago
by Dawn Crichton

Young Lawyers
Proposed Changes to the
Michigan Rules of Professional
Conduct
Changing the Face of Divorce
John S. Beagle Scholarship
Announced
Allan "Duke" Parker
(1929-2009)

Cocktails at Blackstone's

in appreciation for
2009 Holiday Dinner donation



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Anthony Maxwell and
Angela Watkins



Jerry Winegarden and
Judge Michael Kelly



Bob Segar, Judge Joseph Farah, and Andrea LeGendre



Judge Robert Ransom, Kelli Rodgers, and Lynne Ransom

GCBA members attend "Lunch With Larry" at the Masonic Temple

To thank the Battiste family for all of their
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Kathy Duvall, Heather Burnash, and Theresa VanArsdale



Trina Stroope, Jan Barkman, Marc Dedenbach, Brian and Dorie Barkey



Denise Fish, Shayla Blankenship, and Hon. John Christensen



Craig Fiederlein, Chris Christenson, and Chadd O'Brien

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Young Lawyers

By Timothy H. Knecht, President



Timothy H. Knecht

On November 13, Judge Jennie Barkey hosted a reception for a group of lawyers who were sworn in together in November 1979. The group included Hon. Jennie Barkey, Hon. Joseph J. Farah, Timothy H. Knecht, Patricia A. Lazzio, Stephen M. Lazzio, Patric A. Parker, George F. Rizik II, Donald H. Robertson, Frank G. Turnage, and Barney R. Whitesman.

The individuals named were among the 24 new lawyers sworn in on that November day 30 years ago. Obviously, no one in this group can be considered a *young* lawyer any longer, but most of us would not admit to being *old* lawyers. Though none of us are young or impressionable any longer, we all agreed the swearing-in ceremony, which was recreated for us by the Hon. Stewart A. Newblatt, was a memorable event.

Judge Newblatt, a retired federal court judge and former Genesee County circuit judge, presided over a ceremony where each of us again recited the oath of office required of all new lawyers. It was quite a moving experience to be reminded of this oath and to hear it being intoned by this group of veteran lawyers. Please take a moment to read the oath again yourselves. It reminds all of us of the principles inherent in our roles as attorneys, lawyers, counselors, and judges in today's world.

ADMISSION TO THE BAR/ OATH OF OFFICE

I do solemnly swear (or affirm):

I will support the Constitution of the United States and the

Constitution of the State of Michigan;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with

Continued on page 6



Recreated —the swearing in ceremony with Hon. Stewart A. Newblatt



Proposed Changes to the Michigan Rules of Professional Conduct

Period for Comment to Expire March 1, 2010

By Karen L. Folks, Professional Practice and Ethics Committee Chairperson



Karen L. Folks

After more than ten years of proposals, revisions, comments, commissions and more proposals and revisions, the Michigan Supreme Court has set a period for comment on *proposed rule modifications* to our Michigan Rules of Professional Conduct that will expire March 1, 2010.

There are three new rules that have no equivalent in our current MRPC. These rules reflect the expanded and changing role of attorneys today in their direct practice of law and meaningful assistance in a wide variety of social service programming throughout their communities. Rule 2.4, Lawyer Serving as Third-Party Neutral, recognizes the growing presence of alternative dispute resolution in our civil justice system and the potential confusion over a lawyer's role, particularly for unrepresented parties. Rule 5.7, Responsibilities Regarding Law-Related Services, makes it clear that

an attorney remains subject to the MRPC when providing services that are performed in conjunction with the provision of legal services, such as real estate counseling, financial planning, accounting, or other law related services. Rule 6.6, Nonprofit and Court-Annexed Limited Legal Services Program, provides guidance as to the applicability of certain rules when an attorney gives short-term legal assistance under various non-profit, social service, or court-sponsored programs.

The remaining proposals to amend the Michigan Rules of Professional Conduct include modifications in the choice of rule language and expanded comment sections to provide greater clarity and understanding, as well as certain rule changes, to include rules governing fees and retainer agreements (See Alternative A of Rule 1.5 Fees, and Alternative B, a definitional approach

proposed by the Attorney Grievance Commission); conflicts and waivers (Rule 1.7, 1.8); candor and fairness (Rules 3.1, 3.3, 3.4); communicating with jurors (Rule 3.5); handling trial publicity (See Alternative A of Rule 3.6 and Alternative B proposed by the State Bar of Michigan); sharing legal fees with a nonprofit organization (Rule 5.4); guidelines for out-of-state attorneys appearing temporarily (Rule 5.5); and the jurisdiction of discipline authorities to investigate and prosecute ethics violations of out-of-state attorneys appearing in Michigan temporarily.

Your voice matters. Take a moment, go to the State Bar of Michigan's website and carefully review the proposed modifications with which we all must comply if adopted. This is your opportunity to share your valuable opinion.

Circuit Court Records

By Barbara A. Menear, Genesee County Circuit Court Administrator

In the latter months of 2009, Internet access to circuit court records was restricted to non-business hours. The server on which the records resided could not handle both court operations and the increase in external users.

The county and court tried a number of solutions, but the inescapable conclusion was that a new server was necessary. Capital acquisitions require approval from the Genesee County

Board of Commissioners and a source of funds. As you might imagine, the current economic times make acquisitions subject to greater scrutiny and justification.

The county board approved the purchase on December 16, 2009. Before the installation was able to occur, there were a number of interim steps including complete file transfer of existing records, testing of performance while still at the vendor, and, finally, installation

during non-business hours.

We regret the inconvenience. However, it is satisfying to learn that Internet access is of great benefit to the legal community. Internet access is on target to be restored by early February 2010.



Barbara A. Menear

truth and honor, and will never seek to mislead the judge or jury by artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with my client's business except with my client's knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any cause for lucre or malice;

I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed on members of the bar as conditions for the privilege to practice law in this state.

Several of the original sponsors for the formerly young lawyers were present as were a number of friends, family members, and members of the legal community. I thank all who attended. Those of us in attendance also had a chance to tell stories about some who were present at the original event but were unable to be with us on November 13. Certainly the event was significant to the former young lawyers being reminded of their oath of office. The oath, however, is significant to all of the members of the Genesee County Bar Association.

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2010 Nominations Open for Major State Bar Awards

Nominations are now open for major State Bar of Michigan awards that will be presented at the September 2010 Annual Meeting in Grand Rapids.

The Roberts P. Hudson Award goes to a person whose career has exemplified the highest ideals of the profession. This award is presented periodically to commend one or more lawyers for their unselfish rendering of outstanding and unique service to and on behalf of the State Bar, given generously, ungrudgingly, and in a spirit of self-sacrifice. It is awarded to that member of the State Bar of Michigan who best exemplifies that which brings honor, esteem and respect to the legal profession. The Hudson Award is the highest award conferred by the Bar.

The Frank J. Kelley Distinguished Public Service Award recognizes extraordinary governmental service by a Michigan attorney holding elected or appointive office. Created by the Board of Commissioners in 1998, it was first awarded to Frank J. Kelley for his record-setting tenure as Michigan's chief lawyer.

The Champion of Justice Award is given for extraordinary individual accomplishments or for devotion to a cause. Not more than five awards are given each year to practicing lawyers and judges who have made a significant contribution to their community, state, and/or the nation.

The Kimberly M. Cahill Bar Leadership Award was established in memory of the 2006-07 SBM president who passed away in January 2008. This award will be presented to a recognized local or affinity bar association, program or leader for excellence in promoting the ideal of professionalism or equal justice for all, or in responding to a compelling legal need within the community during the past year or on an ongoing basis.

The John W. Cummiskey Pro Bono Award, named after a Grand Rapids attorney, recognizes a member of the State Bar who excels in commitment to pro bono issues. This award carries with it a cash stipend to be donated to the charity of the recipient's choice.

All SBM award nominations are due on Friday, April 2, 2010 at 5 p.m.

The Liberty Bell Award recipient is selected from nominations made by local and special-purpose bar associations. The award is presented to a non-lawyer who has made a significant contribution to the justice system. The deadline for this award is Monday, May 3, 2010.

An awards committee co-chaired by State Bar President-Elect W. Anthony Jenkins and attorney Thomas Cranmer reviews nominations for the Roberts P. Hudson, Champion of Justice, Frank J. Kelley, Kimberly M. Cahill, and Liberty Bell awards. The Bar's Pro Bono Initiative Committee reviews nominations for the Cummiskey Pro Bono award. These recommendations are then voted on by the full Board of Commissioners at its June meeting.

Last year's non-winner nominations will automatically carry over for consideration this year. Nominations should include sufficient details about the accomplishments of the nominee to allow the committees to make a judgment.

Any State Bar member can propose candidates for SBM Awards. To apply online or download application forms visit www.michbar.org/programs/eventsawards.cfm. Cummiskey Award nominations can be directed to Dionnie Wynter at dwynter@mail.michbar.org; all other nominations can be submitted to Joyce Nordeen, State Bar of Michigan, 306 Townsend St., Lansing, MI 48933 or jnordeen@mail.michbar.org. For more information call (517) 346-6373 or (800) 968-1442, or fax (517) 482-6248.

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Banker to Artist via Law School, One Woman's Trip

By Roberta J.F. Wray

“**W**hy did you go to law school?” I asked. The answer was a bit of a surprise.

“I had it in the back of my mind that my husband Ron and I wanted to start a business when we retired,” she said, “and I figured studying law would give us a good foundation.”

She was quite a way from retirement, but in 1995, while working full time as a banker and raising a family, Dawn Crichton enrolled in Thomas M. Cooley Law School's part time program. She did not expect the law to become her primary employment.

While maintaining her work schedule, Dawn drove to Lansing two nights a week. Later, she was able to attend the weekend law school offered by Cooley. Not long after she completed her classes and passed the bar exam, she decided to pursue a legal career.

With the law degree in hand, Dawn took on the challenges of practicing family law at a local attorney's office for a few months. She then spent another six months as General Counsel for an energy company in Ann Arbor, where she practiced contract law. Dawn eventually reconnected with Citizens Bank as a consultant in the human resources department and then acted as a client advisor in the wealth management department. Due to corporate downsizing, she retired from the bank in 2009. Her husband continues his work for Oakland County.

Prior to retirement, Dawn picked up a hobby, water color painting, and her husband nurtured his love of photography. Eventually, Ron's enthusiasm captured Dawn's interest and soon thereafter, they knew what their retirement business would be: photography.

Dawn has spent the last nine months getting their retirement business, Crichton Creations, LLC, up and running. She now focuses her time on portrait photography

for individuals and businesses. She and Ron also provide stock photographs to companies looking to add some art to their offices. Hundreds of travel photographs shot on family vacations over the years are the basis for their fine arts website at: www.crichtoncreations.com. Visit the site and



Dawn Crichton

you'll find a collection of scenery, architecture, stained glass, and other eye pleasing compositions. Dawn chose two of her favorite black and white photos to accompany this article.

The basic tools of this business are a Nikon D700 SLR camera, a Nikon D40x, a Mac computer, backgrounds, lighting, Photoshop software, the eyes of the artists, and Dawn's law degree. Dawn commented that her law classes were very helpful in teaching her how to start a business, how to manage time efficiently, how to adhere to basic accounting practices, and how best to deal with clients. Most recently, she put the skills she learned in law school to work by negotiating to collect on a bounced check.

Dawn's retirement also allows her to spend more time with the Flint Sunrise Rotary club and the Law Day Committee, where she previously helped Don Rockwell with the luncheon slide show presentation. She also continues to volunteer

her time and her legal expertise at the Community Resolution Center, and occasionally practices law.

Dawn and Ron's combined family includes four children: Kim, Ron II, Jamie and Tammy and three grandchildren: Nick, Alyssa, and Lexie.

Editor's Note: Crichton Creations, LLC has photos on display and for sale at Hoffman's Deli in downtown Flint.



Changing the Face of Divorce

Trending Toward a Better Way

By Denise D. Couling



Denise D. Couling

More stressful than any economic crisis is the personal upheaval that often accompanies divorce and family law matters. Court battles are seldom a “smart” option and they are never affordable. In Michigan and around the country, out-of-court family law options are becoming increasingly popular.

If anything good has come out of the current economic downturn, it is a sense that people are increasingly willing to demand new, smarter ways of solving some of life’s most important issues. Having witnessed the expensive and traumatic divorces of friends and family members over the years, many people are insisting they do NOT want “their parents’ divorce.” Many couples and families dealing with divorce, custody and property issues are relieved to learn about out-of-court family law options that are much more affordable – and also truer to their values.

Virtually every type of family law matter can be handled through the out-of-court processes of Mediation and Collaborative Practice. Particularly well-suited for out-of-court options are couples and families who identify with

situations like these:

- “My spouse and I agree we can’t save our marriage, but we are basically reasonable people. We need some expertise in handling our retirement plans and making sure our custody and child support plan is ‘legal.’ We don’t want an expensive divorce battle. We just don’t know where to turn to solve our problems the way we want.”
- “I have no choice: I *have* to leave the state for my job. I’ve been a truly involved parent and don’t want to lose my relationship with my child(ren).”
- “My spouse has serious emotional or addiction problems. I have no choice but to consider divorce, but I genuinely want to encourage my spouse to get real help and to become the type of good parent that I know he/she could be.”
- “I have many important business and social contacts. I absolutely do not want our personal relationship, and our financial issues, to “go public” in any way. I am just afraid that one of our attorneys will turn our divorce

into exactly the type of expensive and embarrassing public proceeding that we do not want.”

Mediation and Collaborative Practice are ideal options for couples under financial stress, but they are especially compelling when issues of publicity, privacy and careful financial planning or small business issues are present. It is encouraging to report that this trend toward out-of-court options is gaining steam here in Michigan, in other states, and in other countries with similar laws.

The key to successful Collaborative Practice is striking an agreement outside of the court process – as traditional litigation typically imposes costs, deadlines, hyper-charged emotions and, sometimes, high-stakes, “all or nothing” decision-making in crisis mode. Clients, along with their attorneys, their mediator or any other counselors and financial advisors, participate in the “heavy lifting” of hammering out an agreement.

People who are beginning to think about divorce sometimes worry that mediation is all about compromising. (“I’ll just be asked to give up on what I really want.”) Not so. The parties are asked to focus very carefully on what they truly want for their futures and for their children in a very deliberate way. Experienced mediators and collaborative professionals have both the training and experience to help create a much wider range of options and, frequently, help the parties arrive at resolutions that are mind-blowingly creative.

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Continued on next page

John S. Beagle Scholarship Announced

By Walter P. Griffin, President, Genesee County Bar Foundation



John S. Beagle

The mission of the Genesee County Bar Foundation is to support worthy projects that improve the administration of justice, promote the study of law and the continuing education of lawyers, educate the public about its legal rights and obligations, and maintain the honor and integrity of the profession.

To support this mission, more recently, we were honored with a bequest from the late John S. Beagle, father of the Honorable Duncan M. Beagle. John S. Beagle was a distinguished member of the Genesee County Bar Foundation and Genesee County Bar Association. He took great pride in the

legal profession and even greater pride in his community. Attorney Beagle believed, "... an individual who is interested in his or her community, and in other people, will generally make the best lawyer."

For attorney Beagle, actions truly spoke louder than words, and it is through his and his family's generosity that the John S. Beagle Scholarship has been established to assist students from Genesee County with financial support while in their junior or senior years of law school. A minimum scholarship of \$5,000 will be distributed.

Mr. Beagle was affectionately known as "Legal Beagle," a man of integrity who had a passion for justice. He was also a man who recognized the struggles of those less fortunate and did not think that economics should be a barrier to attend law school. Those fortunate to be the recipient of a John S. Beagle Scholarship will never have the

opportunity to know this eminent attorney, but I believe his memory will be embraced by those he helped.

The application deadline is May 1st, timed to coordinate with our annual Law Day activities and the celebration of the "Rule of Law" across our country. After the deadline the selection committee, comprised of Hon. Duncan M. Beagle, Hon. Thomas C. Yeotis, Reese W. Stipes II, Pamela Wistrand, and myself, will review all applications and interview a select few with a recipient being chosen by summer.

For those interested in learning more about the Genesee County Bar Foundation and the John S. Beagle Scholarship, please call the Foundation at (810) 232-6102.



Walter P. Griffin

Changing . . .

Continued from page 9

When divorce starts to emerge as a reality, many couples and families face dark days and fear many more ahead. While in some instances litigation is the only feasible option, Mediation and Collaborative Practice offer new hope, based on real results. Divorcing couples often identify out-of-court processes as the starting point for recapturing their sense of optimism and envisioning truly realistic ways to work toward a better future.

Editor's Note: GCBA member Denise Couling is an attorney and mediator with the Family Mediation & Collaborative Practice Center located in Brighton.

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Allan "Duke" Parker (1929-2009)

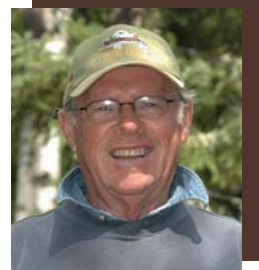
By Patric A. Parker

My father, Duke Parker, was one of the long-time, larger-than-life personalities of our bar. Raised in Flint, Duke was president of his senior class at Central H.S. before going on to

Hillsdale College and Detroit College of Law. He became the third member of the Parker family to practice law in Flint, following his grandfather, James S. Parker, and uncle, Hugh Parker.



Duke and Pat Parker performing at a GCBA talent show.



Allan "Duke" Parker

Duke practiced business and real estate law. He was

also a partner in the ownership and management of several nursing homes. He served as president of both the bar association and the bar foundation. For years, he appeared with Reese Stipes as dual masters of ceremonies for bar functions. A frequent singer, actor, and occasional guitar player, Duke seldom missed a bar talent show.

In his younger days, Duke and lifelong friend Tom Yeotis started the Civic Center softball league. The lawyers' team in its early days starred Duke, Tom, Charlie Cole, Jerry O'Rourke, Bob Shegos, and others. As kids, Dean Yeotis and I and others served as bat boys where we watched the jokes and beer consumption with awe.

He was active in his home community of Grand Blanc as a member of the board of education, a member the American Legion post, and a participant in summer theatre programs where he played the lead in shows including "Music Man" and "A Funny Thing Happened on the Way to the Forum." For nearly 50 years, Duke was part of the Jerry O'Rourke-led group of singers who performed at nursing homes on St. Patrick's Day.

Dad loved the Lions and disliked all things about the University of Michigan, although he loosened up a bit when his granddaughters attended the school.

He is survived by his wife, Carol, three sons, several grandchildren, and many, many lawyers who will remember his companionship.

Editor's Note: Allan "Duke" Parker was president of the Genesee County Bar Association from 1971-1972 and was the Genesee County Bar Foundation's first president from 1987-1990.

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