

January/February 2020

BARBEAT

Genesee County Bar Association



Academy of the Wise
2019 In Memoriam
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Book Review: Karma's Street Justice

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Academy of the Wise

By Sherri L. Belknap, President

Happy New Year! Welcome to 2020! At the end of last year, I was able to attend the Senior Attorneys Luncheon -- or as the late Mr. Doug Buck Sr. called it, the "Academy of the Wise," -- at the Flint Golf Club.

The leader of the "Academy of the Wise" is Richard Ruhala. Mr. Ruhala attended Flint Northern High School where he was a member of the track team which was inducted into the Greater Flint Area Sports Hall of Fame in 2006. Then, he attended the University of Michigan where he received his Bachelor of Arts. After graduating University of Michigan, he attended Wayne State University. At Wayne State, Mr. Ruhala was an Associate Editor then Executive Editor of the Wayne Law Journal, a member of the Moot Court Board, and a Moot Court finalist.

Over his 56-year career, Mr. Ruhala worked as an Assistant Prosecuting Attorney, defense attorney, and in general civil litigation. He argued before the Michigan Court of Appeals and Michigan Supreme Court. From 1986 – 1987,



"The Academy of the Wise" Senior Attorneys December Luncheon

Mr. Ruhala led our Association as President. He continued to contribute to the legal community in 2015 as the Chairperson of the State Bar of Michigan Master Lawyers Section. Earlier this year, Mr. Ruhala was honored with the Paul Harris Award from the Genesee Valley Rotary Club for his contributions to the community.

The person who nominated Mr. Ruhala was fellow "Academy of the Wise" member, Edward Henneke. Mr. Henneke, also, is a Past President who served from 1982 – 1983. In 2006, he was awarded the Distinguished Case Evaluator Award for having established a good reputation for fairness, preparedness and the ability to ask the right questions. In 2008, Legal Services of Eastern Michigan ("LSEM") awarded him the Pro Bono Attorney of the Year award. Even today, he continues his pro bono work with LSEM. Earlier this year, Mr. Henneke received the Herbert A. Milliken Jr. Civility Award.

He attended the University of Michigan where he earned a Bachelor of Arts with a focus on Accounting and Economics. In 1965, Henneke earned his Juris Doctor from the University of Michigan Law School.

Edward Henneke was admitted to the State Bar of Michigan in 1965. When he started his law career, he was an Assistant Prosecuting Attorney, and later, worked as the City Attorney for the City of Flushing. His practice focused on civil, probate, and municipal law.



Sherri L. Belknap

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Mr. Henneke also cares about his community. He has served as Chairman of the Zoning Board of Appeals for Flushing Township, speaker at ICLE seminars, and investigator with the State Bar of Michigan Grievance Commission from 1980 – 1987. Currently, he is a member of the Genesee Valley Rotary Club and he has served as Chairman of the Panel 3 of the Attorney Discipline Board since 1987.

These gentlemen are only two exemplary lawyers who make up the “Academy of the Wise.” If you have an opportunity, please attend their next luncheon. You will not regret it. I would also like to thank the members of the “Academy of the Wise” for being a part of GCBA and making it a great organization.

Senior Lawyers December Luncheon

Photos by
Shelley R. Spivack

Judge and Lynne Ransom ▶



Tim Ruwart ▲



▲ Richard Ruhala and
Judge Ransom



◀ The Hennekes

2019 In Memoriam

Hon. Earl E. Borradaile

Douglas Buck

Thomas Chittle

Robert Mainprize, Jr.

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Sybyl Award to Sally Shaheen Joseph

By Roberta J.F. Wray

Congratulations are in order for GCBA member Sally Shaheen Joseph who has been designated the 2019 Sybyl Award winner for her community volunteerism. Quoting from an article by Jan Worth-Nelson in East Village Magazine,

The citation for Shaheen Joseph's nomination described, "Coming from a time, and a cultural heritage that did not encourage her to get an education, Sally first earned her Associate's degree from Mott Community College (she actually earned three Associate's degrees).

In an outline for BarBeat, Sally wrote,

I spent all of my life, pre-Edward, in show business as a jazz singer. I traveled all over the country singing in night clubs, doing floor shows, singing on the radio, etc., from very young age. I was discovered by Arthur Godfrey while singing at a club in Cleveland, Ohio, just before I met Edward. Prior to Edward, I had agreed to appear on the Godfrey show in September of 1957, open at the Copacabana a few weeks later and appear on the Jack Parr show two weeks after that.

She met her future husband, Edward P. Joseph, during a break in Michigan and ultimately gave up her show biz career.

We were married on March 8th, 1959, had our first four children before I was forced to obtain my driver's license. I started to take classes at night just because I had no high school education. Subsequently, Edward encouraged me to go to college.

Sally went on to complete her BA degree in Psychology and then her Juris Doctor.

Continuing the quotation from EVM,

Soon after she received her law degree, Shaheen Joseph's husband died, leaving her to raise five children on her own. She has reflected, according to the citation, that "the opportunities given to her changed her life, and the lives of her children. As a result, she has dedicated much of her life's work to ensuring that other women have the same opportunities for education and employment by serving as a strong advocate for affirmative action and women's rights."

While serving on many boards and committees over many years, Sally also worked in the public sector for the Genesee County Prosecutor, the Road Commission and currently as a member of the Mott Community College Board of Trustees. She was elected a member of the Flint Township Board and also Flint Township Supervisor.

Now in her 80's, Shaheen Joseph has gone to Mexico annually with Dr. Bradley Habermehl, of the Burton Rotary Club, as part of the Rotary Preventable Blindness initiative.

The Sybyl Award is named to honor the work of long time Genesee County volunteer resource director Sybyl Atwood who spent her life recruiting and directing volunteers throughout the county.

Link to full article: <https://tinyurl.com/szcw34l>



Sally Shaheen Joseph

A Second Chance: Juvenile Diversion

By Shelley R. Spivack, Genesee County Family Court Attorney/Referee

Since the founding of the first Juvenile Court in Chicago in 1899, juvenile justice policy has undergone several transformations. The Progressive Era reformers believed that young offenders should be rehabilitated in a separate court system designed to 'protect' rather than 'punish' children who came into contact with the law. Under the rehabilitative model, judges acted more as benevolent parents prescribing individualized treatment rather than judges imposing stiff sentences. Most states, including Michigan, followed Chicago's lead and established a separate system of juvenile justice.

Over the years, the inability of juvenile courts to effectively treat young offenders, increases in juvenile crime rates, and disparate outcomes in a system that failed to give juveniles the

procedural due process guarantees afforded to adult offenders, led to changes within the system. Some of these changes, such as importing due process protections into the juvenile system, benefitted young offenders.

Others, such as automatic waivers, which allowed juveniles charged with certain offenses to be automatically tried as adults, were more punitive in nature.

Over the last ten years, juvenile courts, assisted by advances in neurological and social sciences research, have undergone further evolutions designed to more effectively treat young offenders while at the same time safe-guarding society. Genesee



Shelley R. Spivack

County's Family Court has been a leader in this movement with the establishment of its Juvenile Mental Health, Adolescent Recovery, Attendance and Girls Courts.

In October of 2018, the Genesee County Family Court took an additional step towards advancing juvenile justice practices by creating a diversion initiative. Diversion differs from both traditional and specialty courts as it offers certain juveniles the opportunity to avoid formal court involvement while at the same time allowing the youth to access appropriate services.

Acting under the authority of the Juvenile Diversion Act, MCL 722.821 et seq Presiding Family Court Judge John Gadola and Juvenile Section Administrator Rhonda Ihm, worked with stakeholders within the legal system and the community to establish a program that during its first year successfully diverted approximately 113 of the 908 petitions filed with the Court.

In setting up the new initiative Judge Gadola appointed Referee Shelley Spivack to screen all incoming petitions to determine eligibility for diversion. While the Diversion Act excludes certain serious assaultive offenses, MCL 722.822 (a), as well as those offenses subject to the Crime Victims Act unless the victim agrees to diversion, the statute lists six other factors to be evaluated prior to referring a case to diversion:

- a. The nature of the alleged offense.
- b. The minor's age.
- c. The nature of the problem that led to the alleged offense.
- d. The minor's character and conduct.
- e. The minor's behavior in school, family and group settings.
- f. Any prior diversion decisions made concerning the minor and the nature of the minor's compliance with the diversion agreement.

MCL 722.824

After a petition is referred to Diversion, Juvenile Probation Officer Natasha Warren meets with juveniles and their parents to explain the process. If a family decides to proceed with diversion, Warren either works with them to create a diversion agreement

Judge Robert M. Ransom

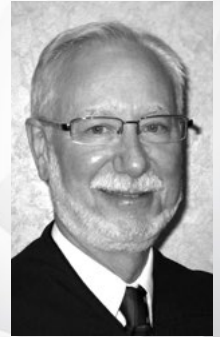
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that sets forth services to be completed by the youth, or refers the case to "Teen Court." In this informal court process teens from local high schools hear an admission of responsibility from the youth, learn more about the youth's background and make recommendations for services. In both instances, the youth and the parents sign a Diversion Agreement setting forth the services to be completed, generally within a 90-day period. Services include: anger management, counseling, shoplifting prevention, jail visits, tutoring, community service and restitution. If the juvenile complies with the agreement and does not incur any further charges, the petition is not authorized and the juvenile has no further court involvement. If a youth fails to comply, the petition would be authorized and set for a formal court hearing.


Warren has become a champion of the Diversion Initiative "as it gives kids who made a youthful mistake the opportunity to receive appropriate services without having a juvenile record." Judge Gadola credits the initiative with creating better outcomes as it "provides low level offenders with needed services without overly involving them in the criminal justice system while at the same time allowing the court to become involved if diversion is not successful."

Ihm notes that the Family Division's "vision of creating a continuum of care for the community" will be furthered in 2020 by the creation of an "Enhanced Diversion" program giving youth access to additional services, including mediation and intensive clinical case management.



I was skimming through a recent opinion in *US v Flynn* denying several pre-sentencing motions brought by Defendant. The court admonished Flynn's attorneys for lifting verbatim and without attribution portions of a Supreme Court amicus brief. The court cited to a 6th Circuit case, *United States v Bowen*, 194 F. App'x 393 (2006), which relates back to a Michigan federal criminal prosecution. Link to article: <https://tinyurl.com/uokq9x9>

This is interesting because *Bowen* admonished the defendant's attorneys for plagiarizing authority (i.e., a case from another federal district) without attribution, 194 F. App'x at 402 n3, whereas the judge in *Flynn* reproached the defense attorney for quoting *someone else's filed brief*, which isn't "authority."



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We were able to meet and exceed our donation goal.

**29th Annual
Community
Holiday Dinner**

- **We served 797 people;**
- **295 kids received a gift and had their picture taken with Santa;**
- **and we gave away 245 books!**

Holiday Dinner Appreciation, Unsolicited Facebook Comment

Fr. Philip Schmitter,
Christ The King Catholic Church

I had a lovely, wonderful time at the Genesee Bar Association Christmas Dinner (29th Annual). So many families, people burdened by struggles were welcomed, loved, served a delicious meal, met Santa (I had never realized how much Santa looks like Judge Larry Stecco), had their pictures taken, children got gifts . . . they got a big dose of love. So many kind volunteers of various ages. THANK YOU!! I had had a difficult day. I came out of there full of gratitude and joy!! THANK YOU GENESEE BAR ASSOCIATION!

I have been around long enough to appreciate the service we receive from good lawyers and judges. This symbolized all the good you do all year! We are grateful!!

John S. Beagle Scholarship Announced

The Genesee County Bar Foundation announces that applications are being accepted for the John S. Beagle Scholarship established to assist students from Genesee County, Michigan with financial support while in their second or third year of law school. It is through the generosity of the late John S. Beagle and his family that the scholarship has been established.

John S. Beagle was a distinguished member of the Genesee County Bar Foundation and Genesee County Bar Association. He was affectionately known as "Legal Beagle," a man of irreproachable character and good will who had a passion for justice. He was also a man who recognized the struggles of those less fortunate and thought that economics should not be a barrier to attending law school. Those fortunate enough to be the recipient of a John S. Beagle Scholarship will never have the opportunity to know this eminent attorney, but his memory will be embraced by those he helped.

A minimum scholarship of \$5,000 will be awarded. The application deadline is May 1, 2020. For those interested in learning more about the Genesee County Bar Foundation and the John S. Beagle Scholarship, information can be found at www.gcbalaw.org or by calling the Foundation at (810) 232-6000.



Welcome New Members

Attorney: Michael Freifeld

Employer: Johnson Law, PLC
Undergrad School: Rutgers University
Law School: Detroit College of Law



Student: Elisabeth McIlhargie

Employer: Wright & Metcalf, Attorneys at Law
Undergrad School: University of Michigan-Flint
Law School attending: Western Michigan University
Thomas M. Cooley Law School

Law is the Family Business: Local Attorney Families

The GCBA has a rich history of members who come from a family of lawyers. Many of our attorney families accomplish as much as the “big name” attorneys, but they do not receive the same public recognition. In this column we will highlight our local attorney families who work hard to serve the Genesee County community.

The Brickley Family

The family is headed by father and Flint native, former Lt. Governor **James H. Brickley**, (1928-2001, born in Flint) whose distinguished legal career included positions as Chief Assistant Prosecutor in Wayne County, US Attorney for the Eastern District of Michigan and Michigan Supreme Court Justice and Chief Justice. His daughter, **Janice Brickley**, practiced primarily in the State of California pursuing many legal positions but concluding her career in California’s version of the Judicial Tenure Commission. Son and GCBA member, **William**, has spent his 35-plus year legal career primarily as a trial lawyer in civil litigation in Genesee County. Justice Brickley’s daughter, **Kathleen Brickley**, practiced criminal law for years. She was appointed the first female judge in Van Buren County and is now Chief Judge in the Van Buren County Circuit Court. Granddaughter, **Kara Ableson**, daughter of Janice, is also practicing as Corporation Counsel for Sonoma County California.

The Jones-McKenna family

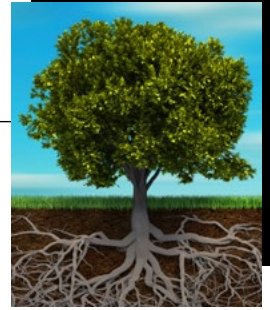
The first mother-daughter firm in Genesee County included **Mau-reen Jones-McKenna** who was one of only three female attorneys practicing in the mid-20th century. Her practice continued into the 1980’s. She was joined by her daughter, **Josephine**, in the late sixties, but their joint practice was cut short by the premature death of Josephine, a victim of cystic fibrosis.

The Edward P. Joseph family

The late **Edward P. Joseph** was from a very large family, many of whom were lawyers, including his cousins, **Joe** and **George**. Joe’s son, **Ron**, and George’s daughter **Judy**. Judy married an attorney she met in law school. Edward’s wife and current GCBA member, **Sally Shaheen Joseph**, earned her law degree and served Genesee County and Flint Township in a number of roles.

Edward’s brother, **Ernest Joseph**, practiced law in Genesee County until he died. Ernie was a veteran who was captured during the Battle of the Bulge and was a prisoner of the Germans until the end of WW II.

If you are you a member of an attorney family, of two or more immediate family members, please submit a short summary for us to include in a future BarBeat issue: barbeat@gcblaw.org



A Decade in Review at The U.S. Supreme Court

By Roberta J.F. Wray

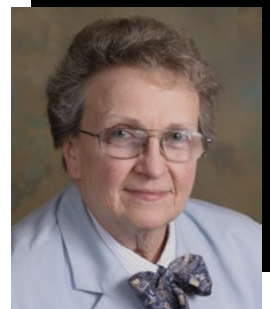
One could argue that the past decade at the Supreme Court has had a greater impact than any since the 1960’s. Starting with *Citizens United* in January 2010,

[L]andmark decisions affecting same-sex marriage, voting rights, campaign finance, affirmative action, healthcare and abortion have altered the legal and social landscape. And in the midst of it all, the oldest justice has become a cultural symbol, with a nickname inspired by a famous rap artist. (Edith Roberts, Decade in review, SCOTUSblog (Dec. 26, 2019, 2:46 PM), <https://www.scotusblog.com/2019/12/decade-in-review/>)

In *Citizens United v Federal Election Commission* the court ruled that corporations and unions have a First Amendment right to engage in independent spending to influence elections, overturning precedent to strike down part of the McCain-Feingold campaign finance law of 2002. The ruling unleashed

unprecedented spending culminating in a flood of unlimited spending on political campaigns in the most recent election cycle which are legal as long as they do not coordinate directly with the candidates.

Writing for the majority, Justice Anthony Kennedy discounted concerns that campaign spending would lead to corruption. “The fact that speakers may have influence over or access to elected officials does not mean that these officials are corrupt,” he explained, and “[t]he appearance of influence or access ... will not cause the electorate to lose faith in our democracy.” In a 90-page dissent read from the bench, Justice John Paul Stevens countered that “[a] democracy cannot function effectively when its constituent members believe laws



Roberta J.F. Wray

Continued on the next page

are being bought and sold. According to the Center for Responsive Politics, super PACs spent \$820,000,000 in the 2018 election cycle.

(Edith Roberts, *Decade in review: Citizens United and campaign spending*, SCOTUSblog (Dec. 27, 2019, 1:00 PM), <https://www.scotusblog.com/2019/12/decade-in-review-citizens-united-and-campaign-spending/>)

Then came the unprecedented refusal of Senate leadership to consider President Barack Obama's nominee to fill the vacancy caused by the death in early 2016 of Justice Antonin Scalia. That resulted in some 4-4 decisions and not a few cases decided on very narrow grounds.

The 2017-2018 term featured high-profile rulings in the challenge to President Donald Trump's ban on travel to the United States by citizens of eight predominantly Muslim countries and the dispute over the payment of fees by public-sector employees who are represented by – but do not belong to – a union.

The biggest news of the decade, however, was Justice Anthony Kennedy's announcement, shortly after the term ended, of plans to retire after 30 years on the court, and the appointment, after an acrimonious confirmation hearing, of Justice Brett Kavanaugh to replace him.

After struggling with the issue of partisan gerrymandering for years during Kennedy's tenure on the court, in June of 2019 the justices ruled 5-4, with Kavanaugh in

the majority, that federal courts should not get involved in reviewing partisan-gerrymandering claims. And although Kennedy had provided the fifth vote in March of 2018 to temporarily block the execution of a Missouri inmate with a rare medical condition, Kavanaugh was part of the 5-4 majority that ultimately rejected the inmate's claim on the merits. The court's docket this term is packed with controversial issues, so we will likely have a much better sense by the end of June of whether and to what extent the court will continue to move to the right as a result of Kennedy's retirement.

(Amy Howe, *Decade in review: The retirement of Justice Anthony Kennedy*, SCOTUSblog (Dec. 26, 2019, 3:30 PM), <https://www.scotusblog.com/2019/12/decade-in-review-the-retirement-of-justice-anthony-kennedy/>)

Coming up for argument during the rest of this term are cases regarding the right of Congress to documents from banks and accountants related to the business and personal financial transactions of President Trump and his family; and the requirement in Louisiana that abortion doctors have admitting privileges at nearby hospitals. The challenge to the Affordable Care Act has been remanded to a lower court, leaving decisions on protections from employment discrimination for LGBTQ people and all but two of the previously argued cases, along with 24 cases remaining to be heard.

Book Review: *Karma's Street Justice*

By Connor McLaughlin

Karma's Street Justice is former District Court Judge Ramona Roberts Gibson's debut crime/romance novel. It is a tale of murder, secret love, and inner city life in the fictional Florence, MI told from the perspective of three characters: Judge Anita Tolliver, Det. Sherman Lacy of the Florence Police Department, and Carlos, a young man who gets wrapped up in a situation out of his control. As Anita and Lacy begin a steamy affair, both must also navigate the turmoil in Florence caused by a horrific murder of a woman and her two young children as Carlos and his friend LL attempt to hide the secret they share. The book aims to be an inside look into the causes and consequences of crime in an urban environment on the perpetrators and those forced to respond. *Karma's Street Justice* is not perfect, but many of the weaknesses of the book are a mere symptom of Judge Gibson's self-publishing and are made up for by clear passion and nuggets of value that will hold special interest for the community of Genesee County.

Karma's most compelling feature is subverting the reader's expectations about who the "good guys" are in a crime novel. The book is lightly framed as a story told by Judge Tolliver

to her therapist, but the true central figure is Detective Lacy of the Florence Police Department. On the surface, he is the shining protagonist: a man who rose out of the poverty of Florence to become the city's best detective and a true community leader who inspires intense respect and love from the men and women of the city, including Judge Tolliver (and her husband). However, he is in reality more dangerous than the murderers he pursues; he uses the titular "street justice" to avoid the "technicalities" of the law and his passionate affair with Anita distracts him from his job and reveals his homophobic disdain for Anita's husband. Meanwhile, the supposed antagonists are two young kids who make a few grave mistakes triggered by drug-addiction, broken families, and an intense summer heat.

Karma's Street Justice
By Ramona Roberts Gibson
iUniverse Publishing, 2018



Connor McLaughlin

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