

July/August 2011

BARBEAT

Genesee County Bar Association



Karen L. Folks
2011-2012 GCBA President

“The Spoon of Power”
Jerome F. O’Rourke Advocacy Award
Herbert J. Milliken Civility Award:
Carl L. Bekofske
Karen L. Folks—2011 Pro Bono
Attorney of the Year
Changes to Michigan Unclaimed
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Bar Beat Editor

LindaLee Massoud
BarBeat@gcbalaw.org

Genesee County Bar Association

315 E. Court St., Flint, Michigan 48502-1611
(810) 232-6012

For editorial information, call (810) 232-6000.

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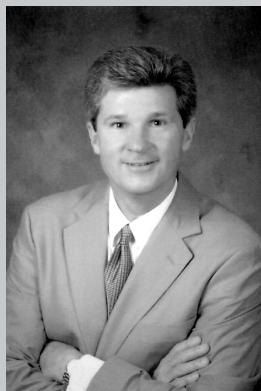
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Weaving a Rich Tapestry of Collective History

By Karen L. Folks, President



Karen L. Folks

What an honor and a privilege it is to become president of the Genesee County Bar Association! It is a remarkable milestone in my career. Even more amazing is the discovery that this will mark the 114th year of the GCBA's existence and influence throughout the greater Flint community and beyond. While I have always been proud to be a part of such an esteemed organization, I recently stumbled across Jean Neithercut's informative summary of the GCBA's rich history, and it kindled in me a new admiration and awareness for its exceptional membership roster over the past 100 years.

This past March, I was poking around the Genesee County Bar Association's website looking for an event date. By accident the GCBA Centennial History came up (1897 –

1997), and so I took a couple of minutes to read through it and couldn't help but reflect on the relevance today of the contributions made by GCBA members four and five generations ago. I was reminded of a TV series I began watching late last fall.

Last year, NBC launched an American genealogy documentary series called "Who Do You Think You Are?" Each episode focuses on a well-known actor, actress or other famous person and takes us on this very personal and yet intriguing journey into the ancestral history of his/her family. Each twist and turn in the story places us in unexpected locations, both geographically and in world history. But the insightful moments come in the recognition that each ancestor, over the course of four, five, six or more generations,

All of our ancestors have played a role in changing and shaping the history of Flint, the State of Michigan and, arguably, impacting the country.

has contributed in unique and valuable ways to shape, mold, develop or even change world history. They also passed on family traits or characteristics, such as strength, vision, courage, and creativity.

Can you see the similarities to the GCBA "family"? We have an

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“The Spoon of Power”

By Ronald L. Haldy

In the spring of 1997 the Annual Meeting was held at Crossroads Village in conjunction with the dedication of the Durant law office building. The dinner had a sort of “picnic” theme to it, complete with checkered table cloths, ribs, cornbread and plastic utensils. The outgoing GCBA president was Valdemar Washington and I was the incoming president for the year 1997-1998. After the dinner it came time to “transfer” the title of president from Val to myself. In the process of doing so, it became apparent to Val that he did not have a gavel to present me to symbolize this transfer. He looked around the podium and seized upon a plastic spoon that had been part of the place settings for the picnic, and in the process of handing the spoon to me he, in jest, referenced that he was presenting me with “The Spoon of Power” as evidence of my being the new president of the GCBA.

At the 1998 Annual Meeting I was the outgoing president and Walt Griffin was the incoming president. I thought that Val’s impromptu “Spoon of Power” was a rather unique concept and thought that an attempt should be made to preserve it. However, I was sure that the life expectancy of passing the original plastic spoon (even if I still had it) would not be very long so I decided to create a more permanent one. In the process I purchased a sterling silver spoon (along with the



President B.D. “Chris” Christenson presents the “Spoon of Power” to President-Elect Karen L. Folks.



Ronald L. Haldy

rest of the mandatory place setting). A woodworker that I knew prepared the plaque and mounted the spoon to it, along with the engraved plate. The finished product was then presented to the first recipient, President Walt Griffin. It has been passed on to each incoming president by the outgoing president ever since.

I thought Val’s impromptu “Spoon of Power” was a rather unique concept and thought that an attempt should be made to preserve it.

That is the story of this GCBA tradition and how it was started. Hopefully, it is a tradition that will continue for years to come. As a side note, I am sure that if I dug deeply enough, I would find the rest of that sterling silver place setting that is missing only a spoon!

Jerome F. O’Rourke Advocacy Award

By James J. Wascha

The Centennial American Inn of Court presented Attorney Dennis R. Lazar with the 2011 Jerome F. O’Rourke Advocacy Award. The award was announced at the GCBA annual meeting in the presence of Dennis’ wife Karen, son Daniel, and sister Jeanette.

The award is in recognition, by peers and the judiciary, of the highest level of professional excellence in advocacy, professionalism, ethics and civility. Consideration was given to Dennis’ novel legal techniques, his willingness to undertake causes even when unpopular, his embracing of alternative dispute potentials in the client’s best interest

and a notable respect for the legal system and all involved.

Inquiries of peers and the bench resulted in a consistent response captured in one description:

“Dennis is old school; a gentleman advocate.”

It is an honor to practice in the same profession and community with Dennis Lazar.



Dennis R. Lazar

Herbert J. Milliken Civility Award:

Carl L. Bekofske

By Brian M. Barkey



Carl L. Bekofske

Carl Bekofske has never been content to just practice law. He has created a legacy of public, community, and professional service that makes you forget he is just one person.

In the public arena, he served two terms in Flint City Council, one as its president. After that, he was elected to serve on Flint's Charter Revision Commission, where he was appointed its chair. In the area of community service, Carl has served on the governing boards of many, many community organizations. This man knows how to give back. Professionally, Carl has been elected or appointed to serve on the governing boards of numerous professional organizations, and as their president.

Of course, we all know Carl as the standing Chapter 13 Bankruptcy Trustee in the office that administers 4700 bankruptcies a year. He is the Genesee County Public Administrator. He is a person who has been successful in these roles over this tenure and has been universally recognized and acknowledged for his integrity, effectiveness and character.

Like Herb Milliken, Carl is the lawyer's lawyer. He is the first name on the judges' and lawyers' short list of people to appoint as the receiver to wind up the law practice of a colleague who suddenly dies or to sort out a difficult business relationship. He is the person lawyers think of when they have a knotty ethical question now that

Herb Milliken is gone. And, as Herb used to do, Carl takes the call.

Last, and for my money his most endearing trait, is the invisible part of Carl Bekofske. When he sees a younger practitioner who is walking close to an unfortunate professional path, or is struggling financially or ethically, it will be Carl who will offer counsel, maybe secure an appointment, send him or her some work, or perform some small but unforgotten act of kindness you will never hear him talk about.

On behalf of the grateful lawyers of the Genesee County Bar Association, I was proud to present the Herbert Milliken Civility Award to Carl Bekofske.

Karen L. Folks—2011 Pro Bono Attorney of the Year

By Jill L. Nylander

Legal Services of Eastern Michigan was privileged to announce Karen Folks as the recipient of the 2011 Pro Bono Publico Award. Ms. Folks felt that she could give more of her extensive administrative and legal skills upon the realization that many formerly middle class Flint residents had become the "newly poor."

She chose to volunteer at LSEM last year, much to the agency's great benefit. Ms. Folks generously provided numerous hours of advice, counsel and assistance to clients seeking help with family law concerns. She is exemplary both for recognizing and for fulfilling this community need.



Karen L. Folks and Jill L. Nylander

Genesee County Bar Foundation Update: Lawyers, Money, and Generosity

By Randolph P. Piper



Randolph P. Piper

What is it about our Genesee County Bar Foundation that causes lawyers and others in our community to dig deep into their pockets and give so generously? Perhaps it's because of a belief that when money talks there are plenty of listeners and when tax-free money talks everyone listens!

Money has been defined as a blessing that is of no advantage to us except when we part with it. One of the best, most lasting advantages of parting with money to our own tax-free foundation is the tremendous power that the donated money has when it can accumulate in your Bar Foundation fund for the benefit of society as a whole and not be subject to taxes.

That is what has been happening at the Genesee County Bar Foundation. This year the Foundation, despite all the vagaries of the market, has about \$803,000 in assets. This is an increase in value of about \$27,000 from January 1st of this year despite the fact the GCBF has made significant grants during the same period. The Foundation receives gifts, mostly from members of our association on a daily basis, all of which unless directed otherwise, are deposited to our endowment funds, where they are allowed to accrue interest or are invested in various portfolios, all based on professional investment advice.

Money has been defined as a blessing that is of no advantage to us except when we part with it.


Every year the GCBF funnels money to support educational seminars for the legal community, such as recently held programs on bankruptcy law and trust law. We also make certain that funds donated actually support the projects intended, such as the Holiday Dinner and Law Day activities, both of which are very expensive endeavors.

In the last two years since the substantial gift of the Beagle family, the GCBF has awarded two \$5,000 law school scholarships. A committee made up of Genesee County Bar members reviews applicants for the John S. Beagle Scholarship Fund. One winning applicant who is attending the University of Michigan Law School wrote, "My parents taught me that my worth should not be based on wealth or status, but rather my ability to empathize with vulnerable and disenfranchised individuals." She

concluded by telling the panel that she is dedicated to staying in Michigan and she feels a "real responsibility to (do) the most good with the profound gift I have been given."

This is why the lawyers in our community give so generously to our Foundation. We are doing real things of value for people who live here. We help educate, support and communicate to our area that lawyers have humanity in their hearts.

Let your money talk and say great things about the law and the community which we serve. Please continue to give generously. If you would like to contribute to our GCBF Scholarship Fund, the seminar programs, or any other activity of the Foundation, please contact (810) 232-6012.




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Changes to Michigan Unclaimed Property Act

By David A. Salim



David A. Salim

In 1995, the Michigan legislature enacted the Michigan Unclaimed Property Act (the "Act"). It is important to note that the Act does not apply to lost, unclaimed or abandoned property if the loss, abandonment or failure to claim the property is the subject of another statute and that statute specifies to whom ownership of the property must devolve (for example, laws of probate succession).

The Act, in general, requires businesses and governmental entities to report and remit to the Department of Treasury abandoned and unclaimed property that belonged to owners who cannot be located, or for whom there is no known address. Recent changes to the Act mandate a new due date (July 1) for businesses and governmental entities to file Unclaimed

Property Holder Reports and shorten the dormancy period for most property types:

- Unclaimed property reaching its applicable dormancy period as of March 31st each year must be remitted to the Treasury by July 1st.
- Dormancy periods for most property types have been shortened to three years.
- A 25% penalty may be levied for those failing to comply, in addition to interest charges.
- Those voluntarily reporting the preceding four years are exempt from penalty on any property voluntarily remitted.
- Further information regarding the Unclaimed Property Act can be

examined at www.michigan.gov/unclaimedproperty or by calling the Treasury's Legislative Inquiry Service at (517)636-4810.

Examples of the type of property that commonly are not claimed by the owner before the dormancy period expires include checks and similar instruments, gift cards, credit memos, and gift certificates. This office has also experienced claims related to third party reimbursements, such as health insurance reimbursements associated with decedents' estates. It is advisable that representatives of decedents' estates continue to check the unclaimed property website at the State of Michigan for a period of three to four years after the decedent's passing.

Symposium on Substances (SOS) in 67th District Court

The 67th District Court introduces an educational and informative class designed for offenders who find themselves involved in the criminal justice system as a result of drugs or alcohol.

Focus. The Symposium on Substances (SOS) Class has been designed to reduce the prevalence and recidivism of alcohol- and other substance abuse-related offenses. This prevention/early intervention class focuses on the prevalence of drug use and drinking and driving, the impact that drinking and driving and drug use have on the community, how alcohol and drugs impair both the mind and the body, and assertive decision making. Laws pertaining to drinking and driving

and drugs, progression of alcoholism and drug usage, and types of assistance available are also covered.

Format. The class format includes lecture, guest speakers, and class discussions that provide a forum for participants to openly discuss their substance abuse/use related experiences. The facilitator for the Symposium, Wesley Cross, is a certified addictions counselor. Mr. Cross' passion for assisting people with substance abuse issues creates an atmosphere that is non-judgmental, allowing for the participants to begin a journey into self-discovery.

Registration. Participants must pre-register for the Symposium by paying the \$80 registration fee at any

67th District Court location. Upon payment of the fee, the Participant will need to call 810-257-3177 to register. Symposium on Substances class is a one time class offered on one Saturday morning a month and one Monday evening a month. Class size is limited in order to ensure a positive experience for the participant, and it is therefore recommended that the participant act immediately upon being referred to the class.

Goal. It is the hope of the 67th District Court that the Symposium on Substances class will inspire positive behavioral changes in offenders who are involved in the criminal justice system as a result of drugs or alcohol.

Practicing Constitutional Law in Genesee County

By Gregory T. Gibbs



Gregory T. Gibbs

I recently googled “practicing constitutional law” and discovered two recurring assertions that alarmed me. The first was that most lawyers do not practice constitutional law; the second was that because most lawyers don’t practice constitutional law, schools should remove it as a required course. The question addressed here is whether these assertions apply to the typical member of the Genesee County Bar Association.

Constitutional law is diverse and wide in scope. “Constitutional law interests both the relationships between the executive, legislature and judiciary and the human rights or civil liberties of individuals against the state.”¹ Yet a Yale professor has observed that “few students will practice constitutional law.” He notes that Yale graduates are far more likely to practice corporate or tax law (neither required) than “constitutional law.”² I believe that this perspective is narrow and limiting. Constitutional issues change with the times, but in my opinion the demand for trained constitutional lawyers remains constant.

People decide to practice law for different reasons. Although for some the motive is profit, for many others it is not. Many others view the practice of law as the opportunity to model the fictional Atticus Finch or the real Clarence Darrow. For me it was the opportunity to try to change society for the better that motivated me to go to law school. Like many in my generation, I admired the lawyers of the 1950’s and 1960’s at the forefront of the fight for constitutional civil rights. Clarence Darrow, Thurgood Marshall and others led the fight on a national scale. Many Flint lawyers joined in that fight, including C. Frederick Robinson,

A. Glenn Epps, Harry Newblatt, Stewart Newblatt, Paul Gadola, Bob Segar, and Max Dean, just to name a few. These attorneys motivated many of us to go to law school with the goal of practicing law to advance the right to be free from unconstitutional discrimination.

By the time we were out of law school the major legislative and judicial battles against institutionalized discrimination had been won and laws were in place for us to enforce and advance the civil rights that had been recognized and codified through the efforts of our predecessors. However, eliminating the Constitutional Law course as a core requirement simply because the law improved would have been a mistake. The need for lawyers who practice constitutional law did not end with the passage of civil rights legislation, and advancing the causes of clients under these laws requires a lawyer experienced with constitutional issues.

Genesee County lawyers have both the opportunity and the obligation to practice constitutional law. Genesee County lawyers should be using the Constitution in the trenches daily. No matter where or what form of law you practice, the occasion could arise where you find yourself practicing constitutional law. You may find yourself at an administrative hearing where the board members adopt a procedure making the proceeding fundamentally unfair and you need to raise the due process clause in your objection. You could find yourself representing a mentally disabled client in probate trying to expand his constitutional rights at a commitment hearing.

As a criminal defense attorney you must be constantly on the lookout for constitutional violations ranging from

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unreasonable searches to coercive interrogations. As a civil practitioner there are times when you must claim that a statute violates your client's constitutional rights. A client may have been denied custody or visitation rights on the basis of sexual orientation, or had his or her free exercise rights infringed upon by zoning regulations. If you are not trained in constitutional law you will be unable to identify constitutional issues in your cases and may fail to raise issues which aid in your client's case.

There are also opportunities to practice constitutional law in high profile cases if one is so inclined. As a cooperating attorney for the American Civil Liberties Union you can participate in cases involving free speech under the First Amendment, free exercise of religion under the First Amendment, the right to be free from unreasonable searches and seizures under the Fourth Amendment, or the right to privacy and the right to equal protection of the laws. The Greater Flint ACLU is always involved in such

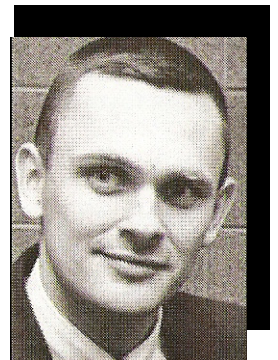
litigation and we welcome lawyers who are willing to donate their time and talent to the pursuit of the protection of constitutional rights.

(Endnotes)

- 1 www.aboutlawschools.org
- 2 Sanford Levinson, *Reconsidering the Syllabus in "Constitutional Law,"* 118 Yale L.J. Pocket Part 8 (2008), <http://thepocketpart.org/2008/05/16/levinson.html>.

It's Better than Chemistry *Charles A. Forrest, Jr. Practicing Senior Attorney*

By Roberta J.F. Wray



Charles A. Forrest, Jr.

“My dad was a chemist with the Alcohol and Tobacco Unit of the IRS. He wanted me to be a chemist. I hated chemistry. I used to go to court with him when he would testify in revenue cases. I don't remember making a conscious decision about being a lawyer,” said Charles A. Forrest, Jr., “but I sure didn't want to be a chemist.”

He was born in Minnesota, moved to Oklahoma at a year old, and landed in Detroit when his dad was transferred there. His law school is the one with the Quad and the Clock Tower in Ann Arbor.

Today, as one of the most senior of Genesee County attorneys, he carries on an active practice representing businesses and governments, and the occasional labor union. As city attorney for the City of Mt. Morris, Charlie is doing what he began his career doing. He first worked for a short time as an assistant city attorney for the City of

Livonia. The pay wasn't much so when a position was advertised with the City of Flint Charlie was one of many applicants.

The city attorney was the late Edward P. Joseph. He hired Charlie at an annual salary of \$11,500. He served for three years and then decided to try working for Consumers' Power in their Jackson headquarters. He says, “I felt like somebody's flunky in that job. They literally had me carrying someone else's briefcase.”

Just in time, Eddie Joseph decided to leave the city attorney position and asked Charlie if he would be interested. Given his feelings about the Consumers' position, Charlie jumped at the chance. He says he really enjoyed being City Attorney. He liked hearing people say, “I heard you on the radio last night.” Those were the days when the weekly City Council meetings were broadcast live. The city was prosperous and still growing.

The last time Charlie Forrest took an extended vacation was in 1968 after an unsuccessful run for Genesee County Prosecuting Attorney against Bob Leonard. He says he took five weeks then and went to visit his parents in Oklahoma.

Returning to Flint, he went into private practice, joining the Clines in their Mott Foundation Building offices. The next 40-odd years have been spent in court or at the office, with the exception of short duration trips to visit his three children, Chuck, an international lawyer in Italy and former Jeopardy Champion; Richard, a free lance environmentalist; and Liz, a nurse. He and his wife, Margaret, also spend part of their time in Miami.

Senior Attorney Luncheons

By Richard J. Ruhala

“Senior Attorneys” are attorneys who claim to be over 65 and/or retired. They also include those among us who like to have lunch with other attorneys who can relate to our unique status and common experiences. Stories are told that challenge the imagination or are quite humorous. Attendance is not taken, no dues are paid, nor are work tasks assigned. No card or ID check is made to determine age or retirement status. After all, some say attorneys never actually retire but rather reduce their work load to eventually include friendly, free legal advice. Even the late Gil Rubenstein joined us but, while over the age of 90, he was concerned about what his clients would think if they learned that he was part of a retiree group.

The State Bar now calls us “Masters” although our spouses still assign us a “honey do” list. The luncheon meetings are held at 12 noon on the second Thursday of each month at the

Valley Coney Island (located at the corner of Miller and Linden Roads).

The executive committee met during the June luncheon. Most recently, Ed Henneke gave us a primer on the new tax code. We do not discuss partisan politics but anything else is fair game.

The next luncheon will be on September 8th (2nd Thursday) at noon at Valley Coney Island (Miller and Linden). The topic will be Robert Crites speaking about his travels in Africa. Guests are always welcome, and rides are provided upon request.



Retirees Ed Maciak and Dick Ruhala in Florida



Richard Barron, Sally Shaheen Joseph, Bob Crites, Ed Henneke, Richard Ruhala, and Doug Buck

During the winter months, some attorneys head south to warmer climates for a few weeks or months. With this article is a photo showing fellow attorneys even meeting together in Florida.

Friendly socialization is the main theme. Some say it may even extend life. None of us has found the Fountain of Youth yet, but we can boast of that big fish that we caught or books that we hope to publish soon.

We advertise meeting times by phone and e-mail. Contact Sally Shaheen Joseph to be put on the reminder list. Why not come and join us for lunch, Dutch-treat: you only eat what you order and desire to pay for. See you soon.

Weaving a Rich Tapestry of Collective History ... Continued from page 4

impressive lineage. All of our ancestors have played a role in changing and shaping the history of Flint, the State of Michigan and, arguably, impacting the country. Start, for example, with George Durand, who was Mayor of Flint, Congressman, Michigan Supreme Court Justice, President of the Michigan Bar, and the founder and first President of the Genesee County Bar Association in 1897. John Carton served as Clerk of the Circuit Court, was George Durand's law partner, City Attorney, President of the State's Constitutional Convention in 1907-08, and, as an attorney, played an important role in the founding of General Motors. William Fenton served in the Michigan

State Senate, was Lieutenant Governor, and was instrumental in bringing the Michigan School for the Deaf to Flint.

Add to these the many multigenerational families of Genesee County attorneys and other pioneering legal minds who have left a huge imprint on our legal community practice, its culture and the greater Flint business and organizational community. There is a bigger picture, an historical mosaic, to which we all contribute. Our everyday investments of time and skills, the risks we take, what we do to educate, lead, create, communicate, advocate, counsel, and motivate, determines the next generation's living environment, culture and opportunities.

So it is with a profound and humbling sense of our impressive history that I step into the role of President of the Genesee County Bar Association in its 114th year of service to its members and this community and ultimately become, like you, part of the rich tapestry of our collective history. This is a stewardship with which I am truly honored and grateful to be entrusted. I look forward to working with you to implement and deliver an insightful strategic plan, beneficial seminars, increase our web presence, and begin a GCBA video and oral history initiative to collect and preserve the practices, stories and great history of this centennial organization.

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