

March/April 2008

BARBEAT

Genesee County Bar Association

Fifth Grade
St. Pius X Catholic School



Third Grade
St. John the Evangelist

LAW DAY 2008
50th ANNIVERSARY



Genesee County Bar Association

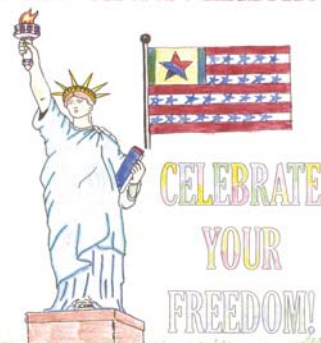
Law Day
Special Edition



Second Grade
Holy Rosary

Fourth Grade
St. Pius X Catholic School

LAW DAY 2008
50th ANNIVERSARY



Genesee County Bar Association

Poster and Coloring Contest Winners

*Coloring contest poster drawn by
Anthony Vance*

Why Law Day? A Brief History of Law Day and the Liberty Bell Award

**Ron Skarzinski Named Crime Victim
Advocate of the Year**

**Grand Blanc Teacher Chosen as
Golden Apple Award Recipient
For the Love of the Law**

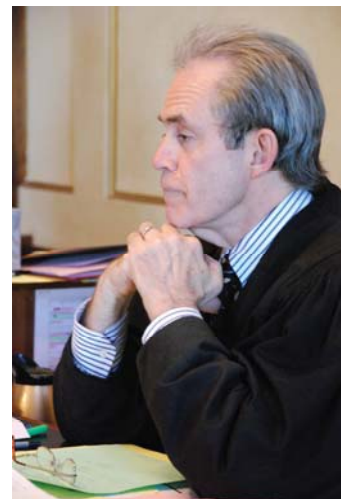
Genesee County Bar Association Mock Trial Competition



Attorney prepares
questions for direct
examination



Plaintiff and defense
attorneys at work



Hon. Duncan M. Beagle
listens to testimony



Defense attorney prepares to
object



Jurors listen to testimony



Hon. Judith A. Fullerton swears in
a witness



Witness gives testimony in
Judge Geoffrey L. Neithercut's
court

*Photos courtesy of Donald G. Rockwell
from the 2007 Mock Trial Competition*

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- ❖ **Publications**—“Private Mediation,” *Bar Beat*, July 1995; “Facilitative Mediation,” April 1996 and “Michigan Mediation Update,” June 2004, *Michigan Lawyers Weekly*

Law Day Proclamation

Whereas this country was founded on the principle that voluntary adherence to the rule of law expands, rather than limits, the opportunities for freedom; and

Whereas a viable democracy requires understanding of the nature and basis of our freedoms and recognition of the individual responsibilities which those freedoms impose; and

Whereas the Law Day 2008, fiftieth anniversary theme of The Rule of Law: Foundation for Communities of Opportunity and Equity encourages us all to examine the rule of law, our role in its sustainability, and its role in protecting our communities, our democracy, opportunity, equity, and all that is most precious to us.

Now therefore I do hereby proclaim Thursday, May 1, 2008 as Law Day. I urge the citizens, schools, businesses, legal professionals, and media to use this occasion to preserve and strengthen the rule of law.

In witness whereof, I have hereunto set my hand, on this day, in the year of our Lord two thousand and eight, and the Independence of the United States of America, the two hundred and thirty-second.

Elected Officials and Municipalities supporting Law Day

Governor Jennifer M. Granholm
Lt. Governor John Cherry
State Senator Deborah Cherry
State Senator John Gleason
State Representative Richard Hammel
State Representative David Robertson
State Representative Brenda Clack
State Representative Lee Gonzales
State Representative Ted Hammon
Argentine Township
Charter Township of Fenton
Charter Township of Flushing
Clayton Township
Davison Township
Forest Township
Thetford Township
Village of Otisville

Law Day Luncheon and Awards Ceremony

Friday, May 2, 2008 • 11:15 a.m.-12:45 p.m.

Masonic Temple, Flint

\$15 per person

Awards

Golden Apple Award Recipient

Gary Smith, Grand Blanc School District

Crime Victim Advocate of the Year Award Recipient

Det. Ron Skarzinski, City of Fenton Police Department

Special recognition to the originators of the Liberty Bell Award

William P. Daniel, Anthony J. Mansour, and Hon. Harold E. Resteriner

- a n d -

Inherit The Wind

a vignette by Vertigo Productions

"He that troubleth his own house shall inherit the wind." Proverbs 11:29

This is the play that has as its genesis the events of the famous Scopes trial. One of the most outstanding dramas of our time. "The portrait it draws of an explosive episode in American culture, vigorously written by Jerome Lawrence and Robert E. Lee, remains fresh as it ever was. One of the most stirring plays in recent years retains its folk spiritual awareness in an Arena Stage Production. Bursting with vitality...literature of the stage!" —*NY Times*.

Contact the GCBA at (810) 232-6000 for reservations.

GCBA TO HOST COMMUNITY FORUM

Michigan's Drivers' Responsibility Fees: Why Do We Have Them? Can They Have Devastating Effects? Should They Be Amended or Abolished?

On May 1, 2008, the Genesee County Bar Association will sponsor a community forum to examine Michigan Drivers Responsibility Fees, the rationale for their enactment, their potentially devastating impact on individual Michigan drivers, and the question of whether they should be modified or eliminated.

Presented in connection with the Genesee County Bar's annual Law Day activities, the forum will take place at the Flint Public Library, located at 1026 E. Kearsley, Flint. Cookies and punch will be offered at 5:30 p.m., with the forum beginning promptly at 6:00 p.m.

Featured panel members will include Hon. Larry Stecco, Michigan Budget Director Robert Emerson, and State Senator John Gleason. In addition, the perspective of Michigan drivers, whose lives have been permanently affected by these fees and their consequences, will be represented.

The general public is invited to attend, and younger Michigan drivers, in particular, are encouraged to partake in this educational program, which is intended to foster open discussion with the distinguished speakers. The forum will be moderated by the chairperson of the Genesee County Bar Association's Law Day Committee, Ms. Roberta Wray, a recently retired magistrate of the 67th District Court. Ms. Wray also has had a distinguished career as a newsperson and attorney in and around Genesee County. There will be no charge for attendance at the forum, and all are encouraged to participate.

The View from Behind the Wheel

Law Day Memories

By Kurtis L.V. Brown, President

As the weather warms, it is natural, with our busy schedules, to become more distracted with outdoor activities, including running the kids to Little League, softball, and/or track meets. At home, many are focused on getting yards cleaned and the flower beds prepared for planting. However, it is just as important this year to focus attention on Law Day activities as we celebrate an historic anniversary.

People are surprised to learn that Law Day has been around for 50 years, and are even more surprised to learn that the Genesee County Bar Association's involvement goes back just as far. This includes a long and successful relationship with local schools. On a more personal note, one never knows just how much an experience like Law Day can influence our students. In fact, Law Day played a role in my decision to become an attorney.

As a life-long Genesee County resident, I was fortunate to have grown up in Fenton Township, attending the Lake Fenton school system. Lake Fenton has participated in Law Day Mock Trials for more than 30 years, and the teachers and faculty advisors have shown an exceptional level of commitment.

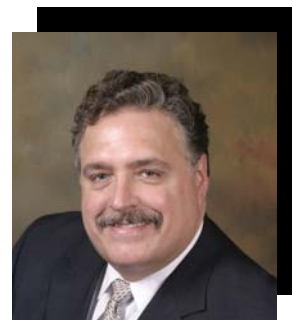
As a sophomore, I was recruited to participate in Law Day Mock Trials by Mrs. Marlene Coleman, an instructor in Government and Criminal Law. I was assigned the role of a witness in the case, but Mrs. Coleman urged the entire Mock Trial team to work together to strategize and consider how to present the case in court. Back then, trials usually alternated each year between criminal and civil law. That year, the fact pattern was a tort case involving discrimination and employment law. Perhaps because this occurred "more than a few" years ago, I cannot recall the outcome of the case or whether the Lake Fenton Mock Trial team won our case. But, I do

remember that, although the students in our group were very nervous, we were treated well by the trial judge and members of the bar association with whom we came in contact.

Mrs. Coleman, arguably one of Law Day's biggest supporters, again recruited me for the Mock Trial. As a junior, I served as the second-chair lawyer, and as a senior I was the lead lawyer. It will surprise few that I recall that this was a personal injury trial which involved a pedestrian struck by a car. The case included heavily disputed facts for both the cause of the crash and the severity of the damages, and my team represented the plaintiff. Our team won that trial. However, more than the outcome of the case, I remember the kindness and professionalism with which all members of the Mock Trial team were treated.

As a result of those fond memories, and after I became a member of the GCBA, I was recruited to be Lake Fenton High School's Mock Trial attorney advisor. For several years, I worked with Mrs. Coleman. Upon her retirement, her position was taken by Jeff Mills, a Lake Fenton graduate, and also a prior Mock Trial participant. To this day, I remain Lake Fenton High School's attorney advisor.

My time commitment involves one or two visits per year to the high school to speak to Mr. Mills' classes about the legal profession and introduce our local bar association. In addition, the Mock Trial team usually meets in my office at least once as they prepare for their day in court. Assuming no scheduling conflicts, I also try to stop by the court room during the trial. The devotion of Mr. Mills, the Lake Fenton High School staff, and all schools participating in the Mock Trial program, is constant and amazing. Each year, the imagination and analytical skills of the students seem to



Kurtis L.V. Brown

have grown.

The impact of lawyer assistance on Law Day activities and the Mock Trial program has been significant. Although I cannot say that participation in the Mock Trial is the sole reason I chose to become a lawyer, it was certainly a factor. More importantly, my positive encounters with lawyers and judges through Law Day activities were definitely a factor in my choice to return to Genesee County following graduation from law school. Advising Law Day students through the years has been very rewarding. I hope that each of you will consider assisting in Law Day activities in the years to come.

I appreciate all of the effort put into Law Day programs by committee members, attorneys, judges, and court and bar staff. Additionally, I would be remiss if I did not pay special tribute to the Genesee County Bar Foundation. The foundation provided us with a sizeable grant to offset the majority of costs associated with our Law Day activities. This includes underwriting expenses for the coloring and poster contest, the community forum, the Law Day luncheon vignette, and Mock Trial, including half the cost of all student lunches.

Finally, heartfelt appreciation to Law Day Committee Chair, Roberta Wray. She recently retired from her position as district court magistrate and promptly started her full time volunteer activities with the bar the next Monday. Bobbi has spearheaded an unprecedented number of Law Day related activities this year, including this special edition of Bar Beat. Thank you, Bobbi, for everything.

Why Law Day?

(A Brief History of Law Day and the Liberty Bell Award)

By Roberta J.F.Wray and Ramona L. Sain

Fifty years ago, at the height of the power of the Soviet Union, those of us old enough to remember knew May Day (May 1) as a day celebrated in Communist countries with massive displays of military might. It was frightening to watch televised pictures of the columns of tanks and missiles, their business ends pointed menacingly skyward as if aimed at the “free world,” and to listen to the fiery rhetoric of Communist leaders pledging to “bury” us.

Joseph Stalin, the most feared of Communist leaders, was dead. But his successors carried on the war of words and ideals known as the Cold War.

In response to the perceived threat of imminent invasion or nuclear holocaust, Charles S. Rhyne, president of the American Bar Association, proposed a celebration of the “Rule of Law,” also to be held on May 1. It was Rhyne’s contention that “Law Day—USA” would highlight the difference between the accomplishments in science and technology, “behind the Iron Curtain,” and the accomplishments of *our* people, under the rule of law.

Rhyne noted in his radio address on the very first Law Day that, “[I]ndividual freedom and justice under law is the great principle that distinguishes our form of government and our way of life from the Communist system.” He said, “The world knows of our leadership in material things and of the high standard of living which our system has produced for our people.” But, he said, “We want people of the whole world to know . . . that in our country we are more proud of our moral principles as expressed in the concept of our government of laws than we are of any materialistic accomplishment . . . of our people.” As he recounted it years later, Mr. Rhyne

presented his proposal to Secretary of State John Foster Dulles, who signed it and sent it up the line to White House Chief of Staff Sherman Adams, where it stopped. As the proposed day approached, Rhyne had received no response to what he had thought should be an almost automatic approval

It was Rhyne’s contention that “Law Day—USA” would highlight the difference between the accomplishments in science and technology, “behind the Iron Curtain,” and the accomplishments of our people, under the rule of law.

by President Eisenhower. He went to Sherman Adams to inquire. Adams pulled the proposed proclamation from his desk and handed it back, declaring “the president will not sign a proclamation praising lawyers.” Rhyne said he stormed down the hall to the Oval Office and handed the document to the president. He was hotly pursued by the chief of staff, who admonished the president not to sign “that paper praising lawyers.” Rhyne said the president motioned for silence, finished reading the proposed proclamation, and told Adams he would sign it because it was not a praise of lawyers, but of our system of laws. The day was duly proclaimed to be observed on May 1, 1958, and on each May 1 thereafter.

Liberty Bell Award

The idea of Law Day could not help but inspire young lawyers, not

only to celebrate the “rule of law” themselves, but to try to encourage celebration on a wider scale within their communities. In Genesee County, Law Day had just such an effect. Members of the Genesee County Young Lawyers Chapter, including William P. Daniel, Anthony Mansour, and Harold Resterer, conceptualized an award that has become a nationwide tradition, the annual Liberty Bell Award. Mr. Daniel says he was inspired by the Law Day idea, but he was concerned that it had already become a celebration for lawyers, like Mothers’ Day or Fathers’ Day. His idea was an award for ordinary citizens whose efforts cast a positive light on the rule of law in the community. Such an award, he thought, might also gain some good publicity for the bar association.

The concept, still in its formative stages, soon began to take shape. Bill Daniel envisioned an award patterned after one offered by the Valley Forge



The original hand-cast bronze Liberty Bell Award created in 1962 by GMI Engineering student James S. Pass.

Foundation. The Liberty Bell was chosen because of its historic connection to “We, the People,” as represented in the Constitution of the United States. The award was to go to ordinary citizens, not lawyers, who helped to build respect for law in the wider community. The annual Liberty Bell Awards were first presented in 1962, by the Young Lawyers Section of

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the Genesee County Bar Association. A young engineering student from General Motors Institute, James S. Pass, was recruited to design the plaque that has been presented annually ever since.

The first awards of the Genesee County Young Lawyers were presented to Mildred Hodges, a Central High School history teacher; Dr. Fleming A. Barbour, an ophthalmologist; Joseph A. Anderson, general manager of AC Spark Plug Division of General Motors; Msgr. Earl V. Sheridan, pastor of St. Michael's Catholic Church; and Ernest N. Whitmeyer, production manager for WJRT. Recently, Tony Mansour noted, "I specifically recall submitting the name of Mildred Hodges as a recipient. She was instrumental in encouraging her students, including myself, to learn about and understand the 'rule of law.'"

Since those first awards, the Genesee County Bar Association has presented more than 125 Liberty Bell Awards to citizens of the community, most of whom were not directly involved

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in the practice of law, but who made contributions which forwarded the goals of the original Young Lawyers, to:

- Promote better understanding of the rule of law;
- Encourage a greater respect for law and the courts;
- Stimulate a sense of civic responsibility; and
- Contribute to good government in the community.

After nearly 50 years, memories of the timing of the presentation of the idea to the State Bar Young Lawyers Section are a little murky. Mr. Daniel recalls riding to Lansing in Mike Pelavin's MG, with Tony Mansour and Harold Resteiner, to propose that the Liberty Bell Award be adopted as a project of the State Bar Young Lawyers Section. Tony Mansour also recalls the ride, adding that he and Harold Resteiner had become active in the State Bar Young Lawyers partly because "they fed us, and it was usually steak."

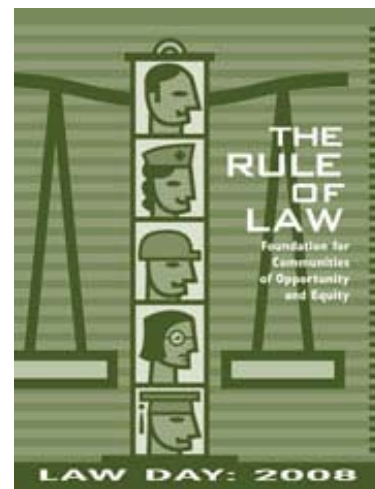
The Genesee County Young Lawyers reserved the right to observe and/or present their Liberty Bell Awards in their own way, but consented to allow the State Bar Young Lawyers to promulgate rules for the rest.

The concept was immediately adopted and presented to the Board of Commissioners of the State Bar of Michigan. Daniel says he had the opportunity to present the idea to the president of the ABA, John "Jack" Griffin Weinmann, who immediately took it to the ABA Board of Governors for recognition

and approval. Within three years it had spread to bar associations across the country by way of the American Bar Association. And the rest is history.

Genesee County Young Lawyers, Tom Yeotis, Dick Ruhala, and Duncan Beagle picked up the ball in later years and have carried it forward to this day, resulting in a continuous succession of recipients spanning 46 years. Mr. Daniel says he's a little surprised that the tiny seed of an idea, nurtured by him and his fellow members of the Young Lawyers of Genesee County, has endured so long and spread so widely. For more information about just how wide the seed has been broadcast, Google "Liberty Bell Award recipients" on the Web. The result will take your breath away.

Editor's note: For a complete list of Liberty Bell Award winners, visit www.gcbalaw.org.



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Ron Skarzinski Named Crime Victim Advocate of the Year

By David S. Leyton, Genesee County Prosecutor

Each year, two legal celebrations are observed close together—Law Week and Crime Victims Rights Week. Observance of these two commemorations has given me, as prosecuting attorney, the opportunity to present the annual Crime Victim Advocate of the Year award at the Law Day luncheon. This award recognizes a person who “goes above and beyond to advocate on behalf of victims of crime in our community.” Every day I see firsthand the devastating impact that criminal activity has on our citizens. Selecting an annual award recipient gives me a special opportunity to recognize some of the many local heroes who seek to make our community safer and who touch the lives of crime victims at a time of special need.

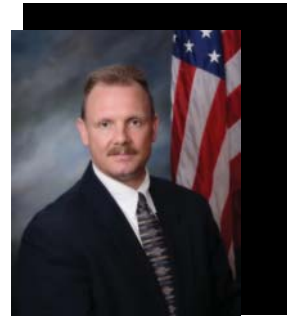
Past awardees during my tenure as prosecuting attorney have been Polly Sheppard, who was instrumental in the formation of the Child Advocacy Center; Rev. Louis Randolph, who galvanized the

community to pull together in the wake of a series of devastating crimes of violence in 2006; and State Rep. Brenda J. Clack, who organized a community crime summit and sponsored legislation helpful to prosecutors and beneficial to crime victims. As you can see, advocates for victims of crime come from various walks of life.

Certainly those in law enforcement are on the front lines in assisting crime victims, and many police officers are heroes in going to bat for victims of crime. It is difficult to single out one, but I am pleased to announce that this year's Crime Victim Advocate of the Year award goes to Det. Ron Skarzinski of the Fenton Police Department. My staff has emphasized to me that Det. Skarzinski, a police officer for more than 22 years, is zealous in fighting crime, thorough in his work, and interacts compassionately with crime victims. I am particularly grateful for Ron's tenacious work in investigating, overcoming obstacles, and working closely with several victims

of sexual assault in the recently concluded case against a local chiropractor. Ron was there for them every step of the way, from the early days of the investigation, through the numerous court hearings, all the way through to the sentencing in circuit court, helping them through their doubts and concerns. Without Ron's dogged commitment to the case and to helping these victims, we could not have brought this case to a successful conclusion.

Det. Skarzinski is to be congratulated for going “above and beyond” as an advocate for victims of crime and for our entire community. I thank him and his fellow police officers who advocate for victims every day and the many other heroes in our community who assist crime victims. Because of them, Genesee County is a safer and more pleasant place in which to live.



Det. Ron Skarzinski

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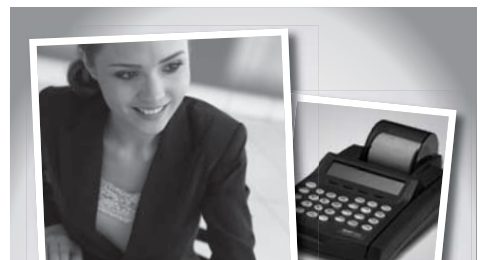
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Grand Blanc Teacher Chosen as Golden Apple Award Recipient

By Ann Lossing Ruwart

Gary Smith, a teacher from Grand Blanc High School in Grand Blanc, Michigan, was chosen as the 2008 Golden Apple Award recipient. Former Golden Apple Award winner Ann Lossing Ruwart interviewed Mr. Smith.



Gary Smith

Why did you decide to become a teacher?

I like working with kids. I have a degree in communications and political science, and nothing seemed to be fulfilling in these fields. I wish that I had made my choice to be a teacher earlier.

If you had not become a teacher, what career would you have chosen?

I probably would have become an electrician.

What do you enjoy the most about teaching?

What I enjoy the most about teaching

is the “teaching itself,” talking about subjects that are interesting. Plus, the kids make the job worthwhile—well, at least most of them!

What do you enjoy least about teaching?

What I enjoy the least is all the paperwork—you never stop correcting papers from September ‘til June.

Where did you earn your teaching degree?

U-M Flint.

How long have you been teaching at Grand Blanc High School?

10 years.

What law-related classes do you teach?

I teach “Law and Society” here at GBHS. Next year we will be changing the name of the class to “Intro to Criminal Law.”

How many years have you been involved with Law Day activities with the Genesee County Bar Association?

About five years.

What do you want your students to come away with after taking your class?

I want them to come away with a better understanding of the legal process and the tools that are used to catch the bad guys. I also hope that when I cover this interesting material, it helps students make career choices about going into the criminal justice field.

Why do you think it is important to teach courses on the law?

So students know their rights as citizens and how the system works.

Any one particular experience you would like to share about your Law Day activities?

I thought that the community forum on the Eby case was very interesting, and so did the kids.

Tell us about your life outside of teaching.

Golf. Home Improvement. Gardening. I am also pursuing a master’s degree in teaching at Marygrove College.

Is there anything else you would like us to know about you?

I’ve never been convicted of a felony!

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THRIVE.

For the Love of the Law

Mock Trial Remembrances

By Roberta J.F.Wray

“Teaching those kids helped me remember my law.” That was the reaction of M. Cathy Dowd when asked what she got out of being a mock trial volunteer. Currently an assistant city attorney for the City of Flint, Ms. Dowd spent about five years as a mock trial advisor and loved every minute of it. “The rules of evidence really became clearer to me as I was teaching them to those students.” It didn’t hurt that most of her teams won their cases, she said. Ms. Dowd is just one of the dozens of local attorneys who have given their time to help young people understand how the legal system works.

Alan Himelhoch says he was a Clio High School team advisor for a few years in the ‘80s and early ‘90s. He says, “The first year, we went a little overboard training the students, and the Clio team really became a monster. A couple of students were so quick at picking things up, that I showed them a few tricks that they used to perfection. Word spread, and by their second match, the courtroom was packed. The hard work put in by the kids and their teacher really drove their excitement. It was a treat to see young people really excited by the law.”

Shaun Marks served as an attorney advisor at Swartz Creek High School, the same classroom he attended, helping the same teacher who taught

him. “It gave me a real sense of serving,” he said, “to be able to help these kids gain an understanding of the legal process in a real application; something they do not get from television.”

“In the mid to late 1980s, I served as a high school advisor for the GCBA mock trials,” said circuit court administrator Barbara Menear. She recalled that one year she was assigned to Valley School, and the mock trial involved a criminal accusation. The students were extremely motivated, as were their parents. David Hart, son of Cliff Hart, played the part of an attorney. The forensic pathologist was played by a student whose father was a forensic pathologist at Hurley Hospital. Judge Borradaile was the presiding judge. “I can recall a couple of objections by David Hart that were stated in a scholarly manner and argued so well that Judge Borradaile seemed to revert to ‘real court’ mode. Years later, I had the occasion to be at the Southfield law firm where attorney David Hart was working. We met again. I remembered his fine job and he still remembered his humble mock coach advisor. The students took the mock trials in a serious manner. It was a very pleasurable experience and gave local attorneys a chance to reach out to the young people of our community in a very special way.”

For Randy Petrides, of the Genesee County Prosecutor’s office, “It’s the \$10,000 stipend,” he joked. But on a more serious note, he added, “I get a big charge out of listening to kids get a better understanding of the law of and the legal process. It makes me proud to be a lawyer when I’m able to turn these young people on to the law.” Mr. Petrides has served as attorney advisor to Valley Christian Academy for more than 10 years.

Advising students at the Michigan School for the Deaf was a special challenge for Glenn Simmington. He said, “It was both moving and rewarding to see how much they put into a subject they really didn’t know very much about, except from TV.” “The experience,” he said, “really recharged my batteries. It was a great experience.”

Joan Pierson said her experience was very rewarding. An attorney advisor for three years at International Academy, Joan thought the most fun was watching the “light bulb of comprehension” of the difference between direct and cross examination and how to use them. Joan’s advice to other lawyers considering being a volunteer advisor: “Don’t hesitate. It’s a lot of fun, and the students really appreciate it.”

To a person, these attorneys are motivated by a deep love of the law and a commitment to passing that feeling on to the upcoming generations of citizens. Whether any of the students who are touched by our volunteers are inspired to become attorneys themselves doesn’t matter. Being able to expose them to the real world of the law is reward enough.

2008 Law Day Mock Trial • Friday, May 2, 2008 • Genesee County Circuit Court • 1:00 p.m.				
Plaintiff	Defense	Court Room	Attorney Advisors	
Clio High School	Flint Northern Academy	Hon. Michael J. Theile, Rm. 306 W	Laura D. Breckenridge	Anthony T. Maxwell & Torchio Feaster
International Academy of Flint	Hill-McCloy High School	Hon. John A. Gadola, Rm. 507 E	Sherry L. Belknap & Jade J. Edwards	Sean M. Siebigteroth
Valley Christian Academy	Beecher High School	Hon. Jennie E. Barkey, Rm. 506 W	Randall J. Petrides	Jeffrey J. Himelhoch
Genesee High School	Clio High School	Hon. Duncan M. Beagle, Rm. 515 E	Donald W. Shaw	Laura D. Breckenridge
Swartz Creek High School	International Academy of Flint	Hon. David J. Newblatt, Rm. 504 W	Amy M. Kline	Sherry L. Belknap & Jade J. Edwards
Grand Blanc Alternative High School	Lake Fenton High School	Hon. Archie L. Hayman, Rm. 308 W	Kevin L. Rush	Kurtis L.V. Brown

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