

November/December 2007

BARBEAT

Genesee County Bar Association



Icelandic Journey

by Shelley Spivack
Jokulsarlon Glacial Lagoon, Iceland

15th Annual Holiday Dinner

An Open Letter to the Bar

Member Profile of
Sally Shaheen Joseph

Holiday Dinner Volunteers 2006



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Happy Holidays from Your Bar Association

By Kurtis L.V. Brown, President

The last two months of the calendar year are usually incredibly busy for a variety of reasons. In addition to the traditional demands each of us have from our practices, we somehow manage to cram even more into our schedules, primarily because the holiday season is upon us once again. For some, this is a time for the annual hunting trip with friends and/or family. For others, it is the joy of planning to either leave the area to visit those closest to us, or the planning for being the host of visiting friends and/or relatives. All of this is in addition to the time and energy spent each season planning and attending local holiday gatherings and meals.

Please accept this as a wish that your hunting trip is successful, that any travel is smooth and safe, and that your holiday parties, gatherings, and/or meals are equally satisfying for each of you. There is no question that this is a trying time for our area lawyers, and for the legal profession generally. In spite of that, we have much to be thankful for and much to be proud of as we reflect upon 2007 and start looking ahead to the new year.

Your bar association Board of Directors began its year with a retreat to the Charles N. Pappas Presidential Conference Center on the campus of Mott Community College, on September 20, 2007. As part of a luncheon meeting, the Board conducted its regularly scheduled meeting and then continued the ongoing process of strategic planning which began in earnest about 18 months ago. This Board retreat was both well attended and quite productive. At the outset, a thanks should be given to the Bar Foundation for their grant that helped to underwrite the expenses associated with this retreat. In addition, thanks

should also be given for the fantastic setting and atmosphere there at the Presidential Conference Center.

As part of these proceedings, we formally adopted the Mission Statement for the Genesee County Bar Association and agreed upon the new logo for our association. The logo will debut with this issue, and our mission statement is:

"The Genesee County Bar Association exists to serve the professional needs of our members, improve the justice system, and educate the public about the law and the role of lawyers."



Another of the common themes from our strategic planning sessions is increased involvement within the legal community. In one sense, the idea of increased involvement is the goal to not



Kurtis L.V. Brown

only maintain, but improve membership in the GCBA. Our bar association has one of the highest percentages of membership in the entire state, but there is always room for improvement. In another sense, the idea of increased involvement is simply a way for the members of the GCBA to interact with one another. The monthly GCBA luncheon meetings and their featured speakers are but one example of these events. Other more social events include the second annual night at the Greater Flint Arts Council, held this year in October, featuring some of the amazing artistry of our members and their families. In addition, Steve Iamarino sponsored a tailgate party at Willow Creek Horse Farm, his 75-acre spread. Activities included hay and pony rides for children,

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who were also given pumpkins. Football games were shown on his big screen televisions sets, and food was plentiful. Lastly, the Young Lawyers sponsored a night for the entire bar association at a Flint Generals game in November, something that we hope will continue to be an annual event for the whole family.

In December, the annual Holiday Dinner will once again occur, in large part thanks to the amazing work by one of our past presidents, Brian Barkey. Members of the legal community set up the tables, seat those coming for the meal, serve the food, and do clean up—all on a volunteer basis. In addition, the children get to have their picture staken with Santa and receive a gift. Brian told me some years ago that if I participated once, I would always participate. He was not only correct in his prediction, but has now successfully recruited my wife and sons to this event.

Your time and your donations for this event are *always* needed because the legal community also pays for this event, and I will let Brian persuade you elsewhere in this issue. However, as he is persuading you and as you consider how much of yourself to give to this event, remember that it is not only a wonderful way to give back to our community, it is yet another way to spend positive time with fellow members of the legal community.

Considering your already tight schedules, I don't want to take any more of your time. However, if I do not get a chance to do so personally, please accept this as a wish from my household to yours that this holiday season is pleasant and peaceful for each and every one of you.

An Open Letter to the Bar

By Archie L. Hayman, Chief Judge 7th Judicial Circuit Court

I am writing this letter to the legal community out of concern with the inappropriate and unprofessional conduct of a small percentage of the bar. I am referring to verbal confrontations between attorneys, which sometimes lead to physical confrontations. If this type of conduct occurs in the Genesee County courthouse, it is not acceptable. As chief judge, I believe that I am required to ensure that a professional decorum is maintained for everyone involved.

When attorneys lose control, I am placed in the unenviable position of considering whether I am required to file a report with the Michigan Attorney Grievance Commission. This could have serious consequences, including discipline or the loss of the privilege of practicing law. I will not shy away from that responsibility, but would prefer not to be placed in that position.

I am reminded of the *Standards for Professional Conduct within Michigan's Seventh Judicial Circuit Court*, promulgated by the Genesee County Bar Association, with recent revisions unanimously approved by the Genesee County Judicial Council. In those guidelines, both attorneys and judges are challenged to be respectful and professional at all times.

Michigan Rules of Professional Conduct, Rule 8.3 (a) states: "If a lawyer having knowledge that another lawyer has committed a significant violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer shall inform the Attorney Grievance Commission."

The public perception of the legal profession and the court system depends on us to respect each other. As a practicing attorney, you are called upon to champion serious causes. As judges, we are called to provide a dignified

forum for the resolution of criminal and civil disputes. Lawyers should avoid conduct that is intended to push each other's buttons and increase the anger and hostility that may exist between the client and lawyers.

I am especially troubled by what appears to be a decline in the sensibilities of attorneys with respect to what is appropriate behavior in the courthouse. On most days, the halls are occupied with litigants, witnesses, children, and others who may be in court about life changing issues.

Attorneys must be the role models of behavior in the courthouse. Your actions and words may be taken as an example of what an attorney should or should *not* be. Either way, you will leave an impression. I urge you to leave a good impression.

Elevate the practice of law to the proud position that it should hold in our community.

Editor's Note: The Genesee County Bar Foundation recently paid for reproduction and mailing costs for the code of conduct booklet to be distributed to every attorney in the county. Thank you.



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Brian Barkey

15th Annual Holiday Dinner

By Brian Barkey, Holiday Committee Chair

In the 15 years that the Bar Association and Bar Foundation has sponsored and worked on our Community Holiday Dinner, I have learned not to be surprised at the generosity of our members. Let me illustrate by sharing with you a touching story from last year's holiday dinner.

A woman arrived at the dinner with a newborn baby. A domestic assault warrant had recently been issued against her house mate and she knew she had to take her baby and leave before he was released on bond. She had been staying at a safe house, but "timed out" after a few days and was having trouble finding a shelter that would allow a newborn. She was broke, had no car and the few possessions that she had with her – mostly children's clothing and supplies – were in a shopping bag at her feet. She heard about the Holiday Dinner at

the safe house, and mentioned, while waiting in line to see Santa, that she had no idea what to do and where to go for help. Word of her situation spread from there.

To be sure, we have all been panhandled and know better than to fall for another phoney story. And judges, who hear the most convincing hardship cases, are supposed to become hardened and cynical. Some believe that poverty is frequently the fault of the impoverished person. Maybe. Maybe not.

But the children – just like the tiny infant I saw in her mother's arms last year – did not have a choice about being born or who would be its' parent. And when you get to the heart of the matter, that is who our dinner is for: the children, the infirm, and the elderly. So, we suspended our cynical thoughts for a night and got to work for our homeless guest.

While she ate and fed her baby, lawyers and others went on a mission to help. One lawyer who did volunteer

work for the Women's Shelter called its director to check on short term housing. Another attorney contacted a social worker at the Department of Human Services and got a list of places to call for long term housing for this woman and her baby. A sheriff's special deputy got on the phone to the Salvation Army to request clothing. A judge, who was working in the serving line, pushed a ten dollar bill into my hand. Many others followed suit.

"...I have learned not to be surprised at the generosity of our members."

By the end of the evening, then Vice President Kurt Brown approached this woman to tell her she was getting a present from the GCBA. Enough money had been gathered (unsolicited!) to pay for a motel room for her that evening. MTA's Your Ride agreed to transport her there and arrangements had been made for short term housing and an interview was scheduled to see if she qualified for long term housing. She was overwhelmed with gratitude – and it was not feigned. Ask Kurt.

Each year, association members and friends donate money necessary to host the Holiday Dinner. Last year, we fed nearly 950 people and gave over 400 gifts to children. Many of these same supporters also volunteer for the dinner, where all workers give of their time with no compensation. We always meet our volunteer and fund raising goals and more often than not, exceed our expectations . . . just like we did last year in helping our nameless guest and her infant child.

Please join us this year. This year's Holiday Dinner will be held at the Masonic Temple on December 19, from 4:00 to 7:00 pm.

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State of the Foundation

By Carl L. Bekofske, Genesee County Bar Foundation President

Genesee County attorneys should be proud of many things. At the top of the list is the Genesee County Bar Foundation. The Foundation has grown from its beginning in 1988 to funds today totaling more than \$600,000.

The Foundation is formed as a Michigan non-profit corporation. It has a board of 11 persons: myself; Vice President Hon. Thomas C. Yeotis; Secretary John P. Siler; Treasurer Henry C. Thoma, Jr.; Immediate Past President Clifford H. Hart; and board members Hon. Duncan M. Beagle, Kathleen Buckley-O'Neill, Walter P. Griffin, Randolph P. Piper, Kraig S. Sippell, and Ramona L. Sain.

When the Foundation was formed, approximately \$80,000 was raised toward our endowment fund, donated by 49 founding members and seven founding memorials. In the mid-1990s, a significant milestone was reached when Judge McGregor's estate left the Foundation more than \$350,000, specifically designated for the continuing legal education of Genesee County Bar Association attorneys. A few years later, the Earl Cline Fund was established to fund social activities for our young lawyers.

Now, nearly 20 years later, we continue to grow due to the continued generosity of our members. More and more frequently, members will suggest donations to the Foundation as a way to remember or honor an associate, family member, or friend.

Last spring, the American Inns of Court and the Genesee County Bar Foundation honored Judge Thomas C. Yeotis at a reception which raised \$17,000 for the Foundation.

The Foundation is now large enough to wield a more positive impact in our legal community. The Board of Trustees is in the process of drawing up more definite guidelines for grant applications.

Last spring, the Board passed a resolution authorizing 4 percent of the average principal (averaged over the past three years) to be used for charitable purposes. This will permit growth of the fund but authorizes a generous sum for support of our mission.

How have the funds been used in Genesee County? Here are some recent examples:

- \$1,000 to the Flint Children's Museum in celebration of "Stars and Stripes" month
- \$1,500 for membership activities for the American Centennial Inns of Court
- \$2,000 for reproduction and mailing of the *GCBA Standards for Professional Conduct Within Michigan's Seventh Judicial Circuit*

The Foundation uses staff from the GCBA as needed. Ramona Sain, the Foundation director, attends meetings, coordinates events, and keeps our minutes.

The current goals of the Foundation are two-fold: first, to continue growth. This includes both a growing awareness of the good accomplished by the fund and also an awareness of the availability of the Foundation as a means of remembering our friends.



The second goal of the Foundation is to mature in our Foundational image. Informality was fine when we were a small fund and made small grants. Today, we must adopt the practice of large foundations to match our growing needs and concerns.

One of the questions I heard when the Foundation first started was, "What is it doing?" Like most new organizations, we spent our time and energy building and growing. Now the Foundation has reached a critical point where it can make an impact by sponsoring more events and grant-funded activities. The public and our members will begin to recognize how attorneys have improved our community. A solid bar foundation is something of which we can all be proud.

Since we are heading into the holiday and charitable giving is a high priority for many, please consider a year-end tax donation to the GCBF.

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Member Profile of Sally Shaheen Joseph

By Ramona Sain



Sally Shaheen Joseph

Why did you decide to become an attorney?

I graduated from college with a degree in psychology, which prepared me to do nothing but go to graduate school. So instead of going back to school, I got a job working in the Prosecutors Office doing budget and credit counseling, and later, investigating consumer complaints.

By then, I had become something of an expert in consumer law, and attorneys were calling me for information and advice. Eventually, it became apparent the Consumer Protection Division was going to be eliminated due to county budget cuts, so I went home and told my late husband, Edward P. Joseph (one of the best attorneys in the county!) that I was thinking of going to law school. He encouraged and supported me. He believed in me even when I did not.

Had it not been for Edward, I might have been an uneducated homemaker without a high school degree or a driver's license. He made going to law school seem like just something else I could do if I wanted it badly enough to make the commitment. He also cared for our five children for two weeks every semester while I moved to Lansing for review and finals weeks.

I finished law school in two years and seven months and passed the bar exam on my first attempt! Edward

received the results before I did—and was more excited than I was! He moved my admittance on November 17, 1983. All five of our children were in attendance.

How have you used your law degree?

After passing the bar, I worked for NuVision, Inc. for one year. Then I was drafted by two county road commissioners to set up and run a Risk Management and Purchasing Department for the County Road Commission. Initially, I declined, but Edward wanted me to take the job for at least a few years so we would have access to benefits for our children.

I initially planned to stay with the Road Commission until things got easier

financially, but in my fourth year, Edward died. Leaving was no longer an option. About a year later, I was laid off again and went into practicing law full time. In 1992, I ran for the position of Flint township supervisor and won. So I was back to managing everything, including risk management, personnel, Police and Fire Departments, Comptroller, Building Department, litigation, and all of the attorneys who represented the township. It was a good thing I had a legal education on which to fall back. I

Continued on page 10

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Member Profile

continued from page 9

served eight years as supervisor, but lost the election in 2000 while taking care of my dying mother. I have tried several times since then to retire, but it has not "taken" yet. So, I keep going.

What suggestions do you have to improve the legal system?

I think we are already doing it through our Law Day activities: by teaching our younger generations to respect themselves and the law, and through the American Inns of Court. I remember hearing Edward and his generation of lawyers lamenting the lack of civility in the bar. Unfortunately, the attorneys who could most benefit from attending the Inns of Court will not avail themselves of the opportunity.



Edward Joseph (1973)

If we strengthen our committee structure and offer more mini classes in current issues, we might encourage more new attorneys to

attend the training sessions and learn how to become better attorneys.

If you had not become an attorney, what career would you have chosen?

I had already chosen my career before I met Edward. I was a jazz singer. That is all I ever wanted to be until I met Ed. I would still rather sing than eat. If I could sing more frequently, maybe I could reclaim my girlish figure.

Tell us about your life outside of the law.

I have served on many boards and commissions, and continue to do so. There really are too many to list, but a few include trustee at Mott Community College, the Michigan Women's Commission, the Flint Community Foundation, Women and Girls Fund, the Salvation Army, Planned Parenthood of East Central Michigan, and Planned Parenthood of Michigan.

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

Edward and I have five wonderful, successful children. Barbara Joseph Gress is married to Deric Gress, and they have two children. She is office manager for a major dealership and



Sally and her family

does editing for a magazine. Jacquie Joseph is the head softball coach at MSU, where she has just completed her 14th year as head coach. I think she is the most successful softball coach in MSU's history. She has written two books and produced several DVDs about coaching softball. Jacquie has one child. John Edward Joseph is a detective sergeant in the Flint Police Department. John and his wife, Christina, have four children between them—one of hers, one of his, and two of theirs. Stephanie Joseph Long is married to Michael Joseph Long, an attorney in Traverse City. They have two children. She teaches at Traverse City West High School and does freelance writing for several magazines and newspapers. They live in Suttons Bay. Allison Joseph is married to Christopher Guerra, and they live in Chicago. Chris is an opera singer, and Allison runs a division of an international human resources corporation. Unfortunately, their father did not live long enough to see any of his children marry. He would have been so proud of them all, as am I.

I also love to cook, entertain, garden, and last, but by no means least, I love to play golf!

Law Day

2008 is the 50th Anniversary of Law Day and the Law Day Committee as great things in store. Law Day is the national recognition and dedication to the principle of government under law.

We are compiling a list of young lawyers from the 1960s who were active in establishing the Liberty Bell Award. As you may know, the Liberty Bell Award started in Genesee County, and it is long over due that we preserve our history. The award honors local citizens who have contributed in an exemplary manner to his or her community by advancing the administration and cause of justice in the community.

So, if you or someone you know helped establish the Liberty Bell Award please contact the GCBA. Additionally, if you ever served as a GCBA Mock Trial Attorney Advisor, or participated in high school Mock Trial, contact us at (810) 232-6012.

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Hon. Phillip Elliott

My Friend, the Judge Phil Elliott

By Robert Keil, Past President

From my 39 years of practice as a tort litigator in Flint, I of course knew Phillip C. Elliott as a no-nonsense and highly respected circuit court judge before whom I had tried many cases.

Years later, from a chance meeting one morning at the Flap Jack Restaurant in Petoskey, we embarked on a social relationship as members of a small "going out to dinner" group with fellow "Two on the Town" members. "Two on the Town" members receive two dinners for the price of one (primarily during the winter months) at participating restaurants in the Petoskey, Charlevoix, and Harbor Springs area.

Year-round members of the group consisted of Phil and his wife, Pat, of Petoskey; Warren and Beverly Krapohl of Douglas Lake; and my wife, Jan, and I, also living on Douglas Lake. Additional summer members included Tom and Patti Doyle of Harbor Springs and long-time Elliott friends, Vic and Roxanne George, of Bay Harbor and Grand Blanc.

Dinners were always preceded by cocktails at the home of one of the couples. Because some of the restaurants in our area closed for the winter months, whereas restaurants in the Petoskey and Charlevoix areas were open year-round, the pre-dinner cocktails in the winter were generally hosted by Phil and Pat at their townhouse overlooking Little Traverse Bay. Phil would say to me, "If you provide the transportation, I will provide the drinks." As recently as mid-September, Phil didn't feel he was up to

going out to dinner with the group, but insisted that we come to their place for pre-dinner cocktails.

With Phil and Warren Krapohl being ardent Democrats and me being a Republican, there were many spirited political discussions. However, Phil and I shared a love of baseball and the Detroit Tigers, and that led to many wonderful baseball discussions. We would also reminisce about memorable Flint lawyers and judges of the past as well as unusual trials and sterling final arguments.

Phil was also a self-described "NFL draft day junkie" and was known to watch the televised draft proceedings from beginning to end. His general knowledge and love of sports was amazing.

Phil, together with friends Tom Doyle and Vic George, was a member of the Bay View Country Club and, until a year or so ago, enjoyed a weekly round of golf. Tom Doyle says Phil was known around the club as being an excellent bridge player and, knowing his keen mind, one can readily understand why.

Phil was also an avid reader and would sometimes read through part or all of the night instead of sleeping. He particularly liked books dealing with history or the law. His love of the law, even in retirement, led him to read and be conversant with decisions of the U.S. Supreme Court. He enjoyed the mental gymnastics of discussing and debating a fine legal point or issue. He and I would also trade and exchange so-called "legal thrillers," such as John Grisham and Scott Turow novels.

I had the honor and pleasure of serving with Phil on case evaluation panels in the Emmet County Circuit Court. His perception and innate ability to get to the heart of the case or issue

was amazing. His love of the law and drive to do a good job led him to schedule pre-hearing breakfasts to discuss the cases coming before us that day.

It was vintage Phil Elliott to not want either a funeral or a memorial service. Perhaps, in some small way, this writing will serve as a tribute to him and to the relationship I shared with him during his (and my) retirement. Although Phil was 10 years my senior, we enjoyed each other's company and going out to dinner together.

I will miss my friend, the judge, and our numerous spirited and interesting discussions. Our little "going out to dinner" group will never be the same without him.

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