

November/December 2008

BARBEAT

Genesee County Bar Association



Tim Ruwart as Santa Claus at
Our 2007 15th Annual Holiday Dinner

A Season of Giving
Remembering Shaker
Honoring Our Elders
Chris Christenson—New Leader of
the State Bar of Michigan Young
Lawyers Section



Food Service



Entertainment



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

National Challenge . . . Local Challenge

By David S. Leyton, President

One of the great traditions of the Genesee County Bar Association is the annual Holiday Dinner, which is now in its 16th year of serving the less fortunate in our community. The dinner has grown each year to where we now expect close to, if not more than, 1,000 adults and children to come to the Masonic Temple, where they are served a hot turkey dinner with all the fixings, get to enjoy some great musical entertainment, and the kids walk away with what might be their only wrapped gift of the season.

No matter what the temperature is outside, warmth and good cheer fill the Masonic Temple during this event. Whether you're one of the guests or one of the volunteers who have donated their time or money or both, everyone

benefits and takes away some satisfaction from the annual Holiday Dinner.

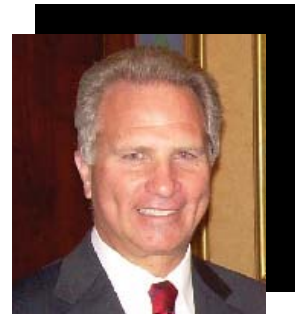
Last year, as I stood at the entrance greeting hundreds of our guests, I was not really surprised at the turnout, given our economic times, but I was a bit overwhelmed by their sheer numbers. The deep gratitude expressed by the patrons as they entered the food line made me feel very proud of our organization.

Indeed, all the members of the Genesee County Bar Association should be very proud of the charitable work we do that special evening in December. But what about the other 364 days of the year? Granted, the work involved is really more than just one night; many individuals of the Bar put in many months and countless hours in preparation for this event. However, let us never forget that the harsh struggles faced by almost all of our guests that evening are a daily reality, and their needs extend throughout the year.

We lawyers and our staff work hard to support ourselves and our families, and we shouldn't feel guilty about the successes and luxuries in life that we have worked so hard to attain. However, I want to challenge each of us to look deep in our hearts and ask ourselves, "What can I do over the next 12 months, before the next Community Holiday Dinner, to make this a better community in which to live?"

A lot of lawyers give of their time, experience, and expertise through pro bono work. While that will always be a staple of an attorney's volunteer work, I would like to suggest that each of us can give back to our communities in many other ways as well. Many of us already do. But the needs in our community are almost endless, and there is always more that we can do.

So, over the holidays, even though it is often called the busiest time of the year, I would like to suggest that we take



David S. Leyton

a moment to reflect on the good fortune in our own lives and visualize what we can do to make this community just a little bit better by this time next year.

There are many ways to accomplish this. Donate a few hours of your time each week to mentor a young person. Your involvement could have a really big impact on a child's life.

Volunteer to help out with one of the dozens of community festivals that occur throughout the year—such activities always require a lot of volunteers, but it's usually the same ones year after year. Step up to the plate and help out! You'll make new friends and feel good about getting involved.

Get friends and family together to clean up a neighborhood park. Make it a monthly or bi-monthly commitment to volunteer at a soup kitchen or a food bank. Organize a neighborhood crime watch. Coach or sponsor a youth athletic team—it's good for the kids, and it's a good marketing tool for your business.

If you want more ideas on how you can volunteer your services, a great place to start is the Resource Center of Flint, a clearinghouse for local volunteer activities. Their web address is www.rescen.org.

As we celebrate over the next several weeks with family and friends in all the traditional ways, take just a moment to reflect on your blessings in life and ask yourself what you will do over the next calendar year to make this community a better place in which to live. Working together, we can make a difference and bring positive change to our community.

I wish you and yours a joyous holiday season and a new year filled with health, contentment, and prosperity!

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A Season of Giving

By Ramona L. Sain



Ramona L. Sain

Holiday Dinner 2007 nearly went off without a hitch. Nearly.

MTA Your Ride was on schedule. Volunteers showed up on time. Masonic Temple food service was flawless. The Santa line moved quickly. Entertainment was joyous. Maybe too much so . . .

At about six that evening, volunteers reported distressing news. A young woman's purse was stolen. She was with her mother, daughter, and boyfriend, and sat in the front of the auditorium to hear the lovely entertainment by The Flushing Singers, directed by GCBA board secretary Karen Folks. At some point, she rested her purse on the empty seat beside her. It was stolen, along with her money, identification, and house and car keys. She was devastated.

Volunteers went into action, searching both the inside and outside of the Masonic Temple, including the dumpster area. The purse was not found.

In the meantime, the woman found a locksmith who would come out after dark, on a bitter night, to unlock her car and cut a new set of keys. She was successful, but the cost of a locksmith was \$90. Between the woman, her mother, and boyfriend, they had about \$60.

I rushed back to the woman and her family, cash in hand. When I told her that costs were now covered, she burst into another fresh round of tears.

I went to our Holiday-Dinner-Committee-Chair-For-Life Brian Barkey to explain the situation. He opened his wallet, handed me some money, and said something like, "*You know what needs to be done.*"

I did, and went from attorney to attorney asking for money: Brown, Leyton, McCabe, Ransom, Potbury, Rocco, Lazar, Christenson. (I am certain to have forgotten a name or two in the blur of hitting volunteers up for cash. My apologies.)

Not one person said no. No one even asked why the money was needed. In all, \$110 was raised in less than five minutes, leaving \$20 extra for a tip.

I rushed back to the woman and her family, cash in hand. When I told her that costs were now covered, she burst into a fresh round of tears.

Marx Locksmith had arrived at around 7:30 p.m. The dinner was over, guests had departed, and the clean up crew was almost finished. The locksmith went to the parking lot with the boyfriend and got to work. One hour went by, then two. Apparently, the locksmith arrived for a simple job. He soon learned that the locks had been previously changed, there was no key code, and he did not have the tools to replace the complete system. He had dismantled the air bag and tried many different ways to get around the problem.

Masonic Temple closed at 9:30 p.m., so we four females went outside for an update. The locksmith was frustrated that he could not finish the job and had to leave because two other jobs awaited him.

Clearly the time spent by the locksmith was not a \$90 job. Out of curiosity, I asked him what he would normally charge. "Two-hundred and fifty dollars" he replied. I told him I would make up the difference the next day since all I had was \$110. He said he wouldn't take any more

money and would be back at 10 a.m. the next morning with the necessary tools to complete the job. All for \$90. I was speechless.

Now our immediate concern was getting the family home. Since the young woman did not have house keys, I offered to drive the three women to the grandmother's house near Hurley Hospital. I apologized to the boyfriend since there was no room for him in my small two-door car. He shrugged it off and said he would walk home to Beecher.

I turned to the locksmith. He knew what was coming. "Where is your next job?" I inquired. "Fenton," he replied, "Opposite side of the county."

"Can you drive him home?" I asked. "Listen," he responded, "I'm going in the opposite direction. I have customers waiting." He paused, looked at the man's winter coat, knew he did not have a hat or gloves, and said, "Let's take you home."

The next morning, the GCBA Board of Directors met. I told them what had occurred the prior night. For the second time in two days, members opened their wallets. An additional \$150 was raised.

I met the locksmith and boyfriend in the parking lot at 10 a.m. Within thirty minutes a new key was cut and the air bag reinstalled. I handed the additional money to the locksmith. He refused. In astonishment, I asked him "Why?"

"It's the Season," was his response. He simply asked that the money go to a good cause. It has . . . toward the 2008 Annual Holiday Dinner to feed the less fortunate.

Remembering Shaker

By Brian M. Barkey

Every year, I am amazed at how my colleagues react to the GCBA-GCBF annual Holiday Dinner. For the 16 years we have been holding this event, members of the legal community have completely supported it. They come to the committee meetings to do the planning, write the checks that pay for everything, and show up at the event to help out.

Over the years we have conducted the dinner, it has grown and diversified. Four years ago on a particularly blustery night, a volunteer noticed that some of the children in the Santa line had no mittens or caps. The following year, she bought a supply of them and since then, we silently distribute them to the kids who look like they need them. Now we bring some for adults too. Last year, a mother brought a child in pajamas that looked small. The volunteer that told me about this is bringing 15 pajama sets this year.

This year, however, we will be at least one volunteer short, and it is a big job to fill. For as long as anyone organizing the dinner remembers, Shaker Brackett has been there to

volunteer. This was ironic in recent years because it was Shaker who looked like he could use a hand. Though he was far from homeless, he had lost a leg to complications from diabetes and used a wheelchair for mobility. He did not let that deter him.



Shaker Brackett

He practiced law because he enjoyed helping people.

To those who knew him, this was not a surprise. Though I did not have much interaction with Shaker in my own career, I remember the impression I got, that his troubled divorce client or the client accused of drunk driving was a personal friend of his, so sincere was his concern. I later learned that this was not my imagination. He practiced law because he enjoyed helping people.



Brian M. Barkey

I read in the *Flint Journal* that he chaired the Council for Alcoholics Anonymous, though he never drank a drop. He was an exceptionally good-hearted man.

The last six years or so, Shaker found his way to the Santa Claus line, where he handed out candy canes to the children while their caregivers waited for the Polaroid picture to develop. I am told that he really liked this job, though the people there said he held up the line because he spoke to every child. He was the perfect person for the candy cane job. Every year he would wheel over to talk to me, beaming.

It has always been my theory that charitable work does as much for the worker as it does for its object. We lost Shaker Brackett in October, and though the Santa line might move more quickly this year, I bet at least one small set of eyes will be looking for that guy in the wheelchair with the candy canes who was so nice.

If you think you are up to the candy cane job, or want to help in any other way, please sign up and join us.



**2008 Community Holiday Dinner
Wednesday, December 17, 2008
4:00 p.m. - 7:00 p.m.
Masonic Temple, Downtown Flint**

**To volunteer, sign up at
<http://www.gcbalaw.org>**



New Cooley Satellite Offers Many Opportunities

By John R. Nussbaumer, Associate Dean, Cooley Law School, Auburn Hills campus

In these highly competitive times, lawyers are looking for ways to distinguish themselves in the market place and expand their practices. Cooley Law School's Auburn Hills campus provides an opportunity for busy professionals to earn a master in laws degree (or just take a few classes) in intellectual property law or tax. Practitioners can study in a manner, pace, and location conducive to family and work schedules. Year-round classes are offered on evenings and weekends and are taught by experienced professionals. Classes begin each January, May, and September.

Small and solo practitioners can use graduate program classes as the foundation for marketing new specialty areas. Gina Torielli, director of the tax program, explains that the Cooley program focuses on offering classes that provide practical knowledge to support a practice in state and property tax appeals, estate and gift tax planning, real estate transactions, business planning, or federal tax controversy work. With the recent increases in federal audit activity of small and mid-sized businesses and the doubling of property tax appeal filings, these areas are particularly ripe for new business expansion. The degree in taxation can be marketed on business cards and

advertising, and gives clients a basis for selecting their tax specialist.

In March, the tax program will be offering a seminar on Michigan's new business tax. In just four sessions, practitioners can get up to speed on this important subject. The program will also offer a 10-week course on property taxation and valuation. The course will be taught by the former chairman of the Michigan Tax Tribunal. Registration for these classes is limited, and applications are being taken now.

The significance of intellectual property (IP) rights plays an ever increasing role in our growing regional technology-based economy and in the global market place generally. Cooley is one of a few, but growing, number of programs in the country offering an extensive curriculum leading to the LL.M. in intellectual property law. Students wishing to pursue a career in IP come from a variety of backgrounds, as we offer one of the most comprehensive and diverse programs of its kind. Gerald Tschura, the director of the IP program, explains that the LL.M. program is designed to provide the student or practicing lawyer with a strong foundation in patent, trademark, copyright, and IP licensing law with significant offerings in those areas as

well as trade secrets, unfair



John R. Nussbaumer

competition, international and comparative IP, IP litigation, right of publicity, entertainment law, cyber law, and other aspects of technology law.

The program is designed for and open to law school graduates who have not had the opportunity to take IP courses during their law school career and those wishing to broaden their IP education and training. Likewise, the program is offered to attorneys working in the IP field who want to accelerate their careers or attorneys who have not worked in IP but wish to switch or otherwise broaden their careers to include this exciting and growing area of law.

A master in laws degree can be completed in as little as a year, or part time in up to five years. Cooley's guest student program allows select members of the bar to take three or four classes of particular interest without enrolling in the degree program on a space-available basis. For more information, call Ms. Torielli or Mr. Tschura at (248) 751-7800, or see www.cooley.edu/llm.

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* Source: Disability Survey of Full-Time Employees, America's Health Insurance Plans, August 2004

** Source: JHA Disability Fact Book, 2003/2004 Edition

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Honoring Our Elders

By Timothy H. Knecht, Vice President

On Monday, September 15, 2008, the Genesee County Bar Association honored those lawyers with 50 years or more of membership in our Bar Association. Attendance was the highest of any Bar Association meeting in recent memory. Over 155 people came to honor 32 of our elder lawyers. "The honorees who were able to attend are featured in the photograph below. Some, unfortunately, were unable to attend, mostly because of health reasons. Judge Dale Riker came the farthest, from Sarasota, Florida. Other members came from around the state of Michigan.

I have practiced law and have been a member of the Genesee County Bar Association for 29 years. The individuals we honored on September 15, 2008, are the people who shaped my legal career and the legal careers of many of our current practicing members. We all have a reason to be proud of our heritage.

Duke Parker and Reese Stipes gave us an irreverent view of the practice of law 50 years ago. Judge Tom Yeotis reminded us of the friendliness and civility of the Bar. Discovery was almost non-existent. Many cases were settled at the Elks Club. We also learned that the practice of law was largely a man's game 50 years ago. Each of our participants welcomed the fact that women now represent a significant portion of practicing lawyers.

Jack Wright wrote an article about the practice of law 60 years ago. That article recently appeared in *Bar Beat*. It was shared in a commemorative booklet with all the attendees. In that commemorative booklet, many of the attendees shared with us thoughts and comments about the practice of law early in their careers. Some of the differences in the practice of law are simply a result of technology in progress. Others represent a technical revolution in the practice of law.

Fifty years ago, we did not have title

insurance. Lawyers examined abstracts and gave opinions on the ownership of property. Social Security Disability was not an entrenched idea. Paperwork now seems to trump everything, whereas previously word of mouth was an accepted way to do business with those whom you trusted. No-fault divorce has come about in the last 50 years, as have Miranda rights. Civil trials were not held in the summertime. There was no air conditioning in the courthouse. Advertising has come of age and has profoundly affected the practice of law. The decrease in public respect for lawyers has profoundly affected our profession.

Gil Rubenstein wrapped up the program. Gil began practicing law in



Timothy H. Knecht

Continued on page 11



Honorees attending the celebration: Front row l-r: Max Dean, Shaker Brackett, Gilbert Y. Rubenstein, and Hon. Dale A. Riker. Back row l-r: Marvin L. Failer, John M. Wright, Howard J. Bueche, Douglas I. Buck Sr., Hon. Thomas C. Yeotis, M. Harry Piper, Hon. Stewart A. Newblatt, Jack Neal, Reese W. Stipes, Hon. Earl E. Borradaile, Allan L. Parker, and John J. Hermann. Photograph by Pat Parker.

Honorees unable to attend: Robert H. Bellairs, Russell Bowers, Albert H. Callahan, C. Rees Dean, Hon. Paul V. Gadola, Benzion Gotlib, Norman N. Gottlieb, L. James Hicks, Arthur Hurand, Hon. Walter L. Leech, Robert Mainprize, Jr., Anthony J. Mansour, Hon. Charles B. Mosier, Edward J. Neithercut, Irving T. Nelson, Hon. Harold E. Resteiner, James Ricker, and Jack C. Straley.

Chris Christenson—New Leader of the State Bar of Michigan Young Lawyers Section

By Tim Gardner, Jr.



B.D. "Chris" Christenson

At the State Bar of Michigan Annual Meeting, attorney B.D. "Chris" Christenson III officially became chair of the Young Lawyers Section for the 2008-2009 Bar year. The mission of the Young Lawyers Section (YLS) is to provide education, information, and analysis about issues of concern through meetings, seminars, a website, public service programs, and publication of a newsletter. The YLS is the largest section of the State Bar of Michigan and includes approximately 33 percent of the Bar membership. The reason for this size is that membership is automatic for attorneys under 36 years of age or with less than 5 years of practice. A famous quote by the late United States Senator Margaret Chase Smith demonstrates Chris's commitment to serving the public:

"Public service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people with full recognition that every human being is entitled to courtesy and consideration."

Although serving the public is extremely satisfying, Chris and his law partner, Craig Fiederlein, formed Christenson and Fiederlein, PC. The firm now has two offices located in Flint and Troy, Michigan. The firm concentrates in real estate, criminal law, construction law, business, and estates law. While managing a law firm is demanding, Chris finds time to create community-based programs.

Chris has implemented two programs that stand out from the rest: We the Jury Program and Young Lawyers Summit.

Chris developed a "We the Jury" Program designed to introduce the legal system to children and give them an opportunity to participate in the trial process. More than 100 students from Flint Southwestern Academy Program toured the 67th District Court, the holding cell area, and a 7th Circuit Court courtroom. After participating in the program, many students were convinced that choosing law as a profession is now an option.

In addition, Chris and other fellow YLS council members initiated a Young Lawyers Summit to discuss issues and attend programs for their professional development. Moreover, this summit would afford young lawyers residing outside of southeastern Michigan an opportunity to network with Bar leaders. The first annual Michigan Young Lawyers Summit took place at the Soaring Eagle Casino Hotel in Mount Pleasant, Michigan. The programs focused on landlord-tenant, tips for appellate practice, family law tips, hints for a solid opening statement, and young lawyer leadership. YLS Chair Bob Fergan described how Chris helped the YLS council exceed all expectations for the Summit:

"Chris was an integral part in planning and executing our first annual Young Lawyers Summit, which was a phenomenal success by all accounts. The Summit, similar to past projects that Chris has organized, received national recognition from the American Bar Association, Young Lawyers Division at the ABA Annual Meeting."

Additionally, for the last two years, Chris recruited the YLS to support the Genesee County Bar Foundation and Association's Annual Holiday Community Holiday Dinner, which feeds the underprivileged with volunteers and financial resources. More than 900 people were served a meal last year.

It is clear that Chris has followed his own path in life and has chosen to give of himself. Genesee County and the State Bar of Michigan have much to look forward to as Chris continues to enrich the lives of residents.

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Investiture of M. Cathy Dowd 68th District Court Judge



M. Cathy Dowd was sworn in as Flint's newest district court judge on Thursday, September 25, 2008, at Flint City Hall by Circuit Court Chief Judge Archie L. Hayman. In attendance were attorneys, court personnel, friends, and family. Cathy's son, Paul, a non-commissioned officer in the army, was unable to attend because of a special military assignment.

Honoring Our Elders

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1937. He recounted legal details about the GM sit down strike. Talk about a local historical memory.

Over the last several years, the practice of law has gone from an honored profession to a business. We, as lawyers, impact the lives of many, many people. Our elders claim they had more fun. Let us all embrace civility and professionalism and maybe we can even have a little fun going forward.



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