

November/December 2009

# BARBEAT

Genesee County Bar Association



**Why I Climb by Robert H. Bancroft**

Professionalism

The Centennial American Inn  
of Court

2009 Community Holiday  
Dinner

Local Attorneys Change Lives

Tributes to Dale R. Riker and  
C. Rees Dean

# Holiday Dinner 2008

## Gift Wrap Party

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## Dinner Volunteers at Work



Photos by  
Terry R. Bankert



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# Professionalism

By Timothy H. Knecht, President

The world at large views us, lawyers, as professionals. While the term “professional” can be used in many contexts, in reference to the practice of law it is our job as lawyers to be and act professional.

The concept may seem simple, but as we all know, the actual practice of law is quite complex. As lawyers, we wear many hats. We work for our clients but answer to many others. Lawyers are bound by professional ethics. Our conduct is governed by the Michigan Rules of Professional Conduct. There are court rules and statutes to follow as well.

Lawyers, both individually and as a group, are generally clever people. When a person needs an answer to a complex question, a lawyer is consulted. We interpret the law. We chip away at the law. We figure out how to get around the law. We

figure out how to use the law to the advantage of our clients. Perhaps this is why the law is often referred to as a “learned profession.”

We are also gatekeepers of the justice system. The legislature makes laws. The judiciary is supposed to enforce those laws. Lawyers can guide the judiciary in the enforcement process. By way of example, the Michigan Supreme Court has made some decisions interpreting tort laws in the last several years that have been unpopular with lawyers. Lawyers were finally able to band together and do something to combat those drastic changes in the law.

Though we are professionals, unfortunately we do not always act as professionals. At times we seem to be our own worst enemy. It is when we act in an unprofessional way that we not only hurt ourselves, but also the en-

tire profession.

Acting unprofessionally may range from verbal abuse to fist fights. It also includes overreaching and/or unethical behavior. The spectrum runs from screaming matches in depositions to congressional scandals. It is no wonder we are not always held in high esteem by the public.

We know we are professionals. We know how to act like professionals. Our job is not to entertain our clients or provide fodder for the news media, but rather to uphold the law and represent our clients. We are in charge of our own destiny. The only way the rest of the world will learn to recognize us as professionals is if we always try to act like professionals.



Timothy H. Knecht

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# Why I Climb

By Robert H. Bancroft

Imagine most people find it peculiar that anyone would want to climb vertical sheets of ice and walls of rock; my activities are probably considered more unusual since I am approaching age 52. I have been rock and ice climbing for more than 10 years, including mountaineering trips on Denali (Mt. McKinley) and rock climbing in Nevada, Kentucky, Tennessee, and British Columbia. I also ice climb in northern Canada and Michigan's Upper Peninsula.

**The potential of falling—and the obvious consequences of such a fall—are the price you pay for the sense of being so acutely in the present.**

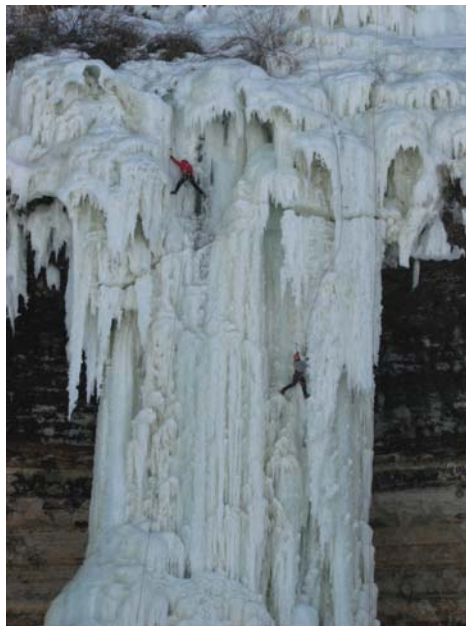
One reason I climb is that ice and rock climbing take place in extraordinarily beautiful locations. When I climbed the ice waterfall in the picture, it was a beautiful, sunny, 28-degree day on Lake Superior. The big lake was frozen, and our approach to the location was across the ice. When you are 10 stories up on an ice waterfall looking out on Lake Superior, the views are phenomenal. As I climbed, a bald eagle glided by at eye level, 100 feet up—so close I could see the bird adjust feathers in its wings to change its glide.

On Denali, the weather changed almost hourly. At one point, thick fog descended. As we traversed the glacier traveling in roped teams, I could not see the person in front of me nor could the person behind see me. An hour

later, the sun burned off the fog and the temperature rose to 75 degrees. An hour after that, we had a snowstorm with 60 mile per hour winds.

One May, I was climbing in West Virginia, topping out on a 100-foot route overlooking the New River Gorge. The last part of the route was overhung—I fell, but my partner was belaying me from above so there really was no risk. As I swung out over the gorge on a rope that felt like a thread, I realized what a beautiful day it was in West Virginia. I hung from my harness 100 feet off the ground and 200 feet above the river and could see the dogwoods and redbuds blooming in one of the oldest river valleys in the world. I decided to simply relax and enjoy the spectacular view. My senses were heightened, which made the view all the more magnificent.

That heightened sense of awareness is a second reason I climb. I



Robert Bancroft and friend ice climbing.



Robert H. Bancroft

can understand why many people

would think that my activities are insane. For me, however, the possibility of falling may actually be part of the attraction. It's not that I want to fall. Instead, there is an acute sense of awareness derived from the need to be totally focused and alert when danger is so near. Simply stated, rock and ice climbing demand your complete attention. When you climb, there is no past or future. There are no worries about tomorrow or any regrets about yesterday. You are totally engaged in the present task, which is moving up the ice. At times, it is exhilarating and effortless and at other times, it is difficult and terrifying. But it is always utterly absorbing. The potential of falling—and the obvious consequences of such a fall—are the price you pay for the sense of being so acutely in the present.

Apart from climbing, I have participated in over 15 wilderness float trips in Alaska and Siberia. I have been in the presence of grizzlies (sometimes within 20 feet) more than 100 times. This, too, exhilarates and terrifies me every time. Fortunately, I have had very few incidents where a bear acted in a hostile manner, but had several incidents where the bears were curious. I do it all just for the adventure.

*Editor's Note: Rob has been a member of the GCBA for 22 years, concentrating in business law, taxation, and estate planning. He says his staid legal practice is in sharp contrast to his out-of-court pursuits.*



# *The Centennial American Inn of Court*

## *An organization of lawyers and judges, Genesee County, MI*

By James J. Wascha, Centennial American Inn of Court President

**T**he local chapter of the American Inn of Court has always benefited from the participation of attorneys, law clerks, law students, and judges from varying areas of practice, expertise, and experience. The American Inn of Court is a nationwide organization with chapters in 49 states. Our local chapter was organized in 1997, and its continued success is evidenced by a growing and diverse membership. Its continued purpose is to provide an open discourse on a variety of legal topics, civility, and professional ethics. This is done in a very congenial setting with good food, good people, and good humor.

**Upcoming programs include diplomacy when disagreeing with a judge, criminal law 101, arbitration, the ethical impact of the Internet, and e-discovery.**

Programs are held at the Flint Golf Club monthly from September through May and are generally completed before 8 p.m.

The year's first meeting on September 22 featured a program entitled "Stump the Experts." Although the evening saw a great deal of laughter, substantive questions touched on many areas including labor law, adoption, family law, and bankruptcy. A few of the real "stumpers" dealt with "The Rule against Perpetuity" and the "Rule in Shelley's Case" (whatever that is). Fortunately, there was a law student present who actually knew these things.

Although outside speakers have participated, skits are generally used as the vehicle for information sharing and discussion. Judge Farah has had water thrown in his face by an irate client (an actress), and Judge Fullerton has taught class to a group of middle-school students (attorneys). On a regular basis, materials associated with the specific topic are provided. Recent Centennial Inn programs have dealt with discrimination actions, eyewitness testimony, wrapping up law practice, witness preparation, direct and cross-examination, evidence, mediation, trust accounts, and how to avoid a grievance.

Upcoming programs include diplomacy when disagreeing with a judge, criminal law 101, arbitration, the ethical impact of the Internet, and e-discovery. For the last meeting in May, we have the pleasure of hosting Michigan Supreme Court Chief Justice Marilyn Kelly as our guest speaker.

Also, for a second year, the Inn is spearheading a "Practice Partner Program." Many members do not have an association with a more seasoned practitioner, and lack the ability to ask, "What do you think about this?", "Are there tax consequences?", "Could you look at this language?", and so on. One brief question can often provide additional insight and direction. The Partner Program is designed to provide the benefit of such resources from very willing members.

The Inn truly provides an educational, social, and interactive experience with a real value to all. Everyone is cordially invited and welcome to attend.



James J. Wascha



Stephanie Satkowiak, Sandra Carlson, and Robert Segar



Deborah AdeOjo, Karen Folks, and James Wascha



Nancy Chinonis, Sally Shaheen Joseph, and Alexandra Nassar



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<sup>1</sup>*Injury Facts® 2009, National Safety Council®*

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# 2009 Community Holiday Dinner

By Brian M. Barkey, Chair

On December 22, the Genesee County Bar Association and the Genesee County Bar Foundation will sponsor their 17<sup>th</sup> Annual Community Holiday Dinner. It has grown every year—last year, more than 1,000 people attended and more than 500 children saw Santa, received a present, and took home a picture of themselves with the jolly old elf.

The amazing thing I see every year is not what it does for its intended recipients, but what it does for others. About six years ago, a volunteer gave her mittens to a child who was standing outside in the cold to see Santa. The following year, she brought a half-dozen pairs. By 2008, we distributed more than 100 pairs of mittens and an equal number of socks. “She can’t help it,” she claims, “they were cold.”

The support we get from the Genesee County legal community is incredible. Last year, 114 people contributed money to the dinner. The average contribution was more than \$100. Every year, I can count on the top contributors calling me to ask if we have enough to fund it—after they have contributed once already. Then, what I consider the most amazing part, 225 members of the legal community volunteered to work on the night of

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**The amazing thing I see every year is not what it does for its intended recipients, but what it does for others.**

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the dinner. These include not only lawyers, but also their staff members and their spouses. Some bring their children. What a great way to teach them the joy of serving others.

We are filling a need here, and the Bar Foundation got a letter that proves this point. The letter was written by a person involved with Greater Flint Big Brothers/Big Sisters and was invited to dinner by the grandmother of her “little sister.” She knew the family was of very modest financial means and felt bad about them spending money to treat her to dinner, assuming they would be dining at a local restaurant.

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**We all were attracted to this profession because we wanted to help others.**

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When she arrived, she was surprised to learn that it was our event. She got in line, ate dinner, and went downstairs to see Santa. The next day, she called the bar office to express

her appreciation and followed up with this letter:



Brian M. Barkey

*“Every single person I came in contact with was so cheerful and kind. It started with the sheriff’s personnel outside, continued with the greeters, servers, cleanup people, and right on downstairs to Santa. Everyone took time to speak kindly, wish Christmas cheer, and make everyone feel very welcome. The tub of gloves and hats to give cold children waiting outside, the people to carry babies while adults got their food, someone to carry your drinks or bring you dessert—every detail made one feel welcome and accepted. When I read in the paper the next day that you had served one thousand people I was not surprised, but thought once again about what a wonderful event it was. I cannot imagine the amount of work that goes into planning and putting on such an event. I wanted you to know how much I appreciate what you are trying to do in bringing some holiday cheer to the less fortunate all around us.”*

She enclosed a contribution and promised to work as a volunteer this year.

Carl Bekofske once told me that this sort of thing should not be a surprise. We are attracted to our profession because we want to help others. But I never realized that so many others would feel this same way, and that this small gift we give to the community is the best Christmas gift we give to ourselves.

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# Local Attorneys Change Lives

By Amy LeBlanc, Legal Assistant to Michael J. Kotarski

Val Washington advocated dreaming, and dreaming big. That is exactly what some of our local attorneys are doing. What started out as a small gift of used shoes has blossomed into several 40-foot cargo containers full of durable medical goods and a promising future for a small girl who needed major facial reconstructive surgery.

The Philippines are 8,000 miles away, a distance that attorney Michael Kotarski has travelled several times on his mission trips to Mindanao. While floods ravage Manila and diseases claim lives in the northern islands, the southern island of Mindanao faces different threats. Poverty sweeps through the city streets, establishing communities of homeless “squatters.” The number of people in need of basic medical attention is ever-growing.

To help meet those needs, San Pedro Hospital was established. Run by Dominican nuns with the spiritual support of the Carmelite nuns, the hospital takes an active role in caring for the impoverished. Attorney Kotarski has been to visit and assist the nuns several times. Being acquainted with their needs, he

has since sent donations of clothing, used medical equipment, and other needed materials.

To continue assisting the Davao nuns in today’s economy, it became necessary to reduce transportation costs. In the search for a solution, Kotarski discovered a group of medical people here in Michigan who grew up with the nuns and are familiar with the needs of their fellow Filipinos. They offered to transport any donated materials in a 40-foot cargo container that goes every other month to the Davao port. This group has Mr. Van Ong as ringleader and dedicated member of several Filipino-based associations. Attorneys Gene Myers and Martin Tyckoski, upon hearing of this worthy mission, have also dedicated time and goods, and have sponsored Christmas-giving for 150 “squatter” children.

Kotarski soon realized that sending durable medical equipment provided better leverage for the attention, care, and security of the poor in Davao than did the used clothing he had been sending initially. Used medical equipment, ambulances, medical beds, and a number of related items became

available as a result of the closing and downsizing of many local businesses.

With the help of Mr. Kotarski, Mr. Ong has successfully donated and shipped close to twenty ambulances full of used clothing, medical supplies, stuffed animals, and toys to the Filipinos for their use.

Mindanao is an area where radical communism and Abu Sayef, the Al Qaeda of Asia, contest for the hearts and minds of the children. Kotarski feels that the mission is more than just medical. That is why he devotes much of his time to raising funds and gathering supplies to send over to his Filipino friends. And sometimes his Filipino friends come to him.

Athena Miguel was born with a severe cleft palate as well as a cleft lip and facial deformities. Using a year-long visitor’s visa, Bebenia Villamor brought her two-year old daughter from a small town in the Philippines earlier this summer. Mr. Ong helped bring them over so that Athena might have the chance to have a normal childhood. Upon seeing pictures of Athena, Dr. Ian Jackson of Providence Park Hospital asked to have her sent over. Mr. Ong helped get her visa in place and just a month later, Athena and her mother, Bebenia, were on a plane headed for the United States. Since arriving, Athena has already undergone one surgery. She is scheduled to have her second surgery, which will restore her face to what it was supposed to be.

The Filipinos are half a world away, but that does not stop Michael Kotarski and other local attorneys, such as Gene Myers and Martin Tyckoski, from touching hearts and changing lives.



Michael Kotarski & friend



# *A Tribute to Dale A. Riker*

*July 28, 1921 - July 2, 2009*

By Marion E. Sprague

True friendship has many ingredients, including trust, understanding, loyalty, and sharing. Dale Riker had all these attributes in abundance.

As all of you know, Judge Riker's passion was the circus, and there were some very interesting and surprising perks that came with the job as his secretary and recorder in 68th District Court. I mean, how many secretaries do you know who were present in a cage surrounded by lions while their boss performed a wedding ceremony? That's special!

Over the years he was a constant in my life, always there comforting and supporting me with his compassion and great humor. The night of his retirement

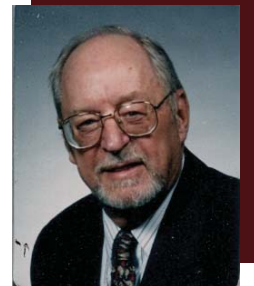
party, a blizzard closed highways and expressways. Not one person cancelled, and even people who had not purchased tickets arrived. Extra tables were set up to accommodate the overflow. One of his great surprises was that all six of his children were able to attend; after everyone was seated, they marched in with brown bags over their heads.

In my eyes he was a remarkable judge, giving of himself not just as a jurist following the law, but showing compassion, kindness, and patience to the less fortunate who came before him—people who sometimes through no fault of their own got caught up and trapped in a system that can be overwhelming and sometimes harsh and cruel. He was

a firm judge, but also gentle and kind, and a credit to the profession of which he was so proud.

*Editor's Note:* Judge Riker was a member of the State Bar of Michigan for more than 50 years and served more than 15 years as 68th District Court judge.

In retirement, Judge Riker and his wife, Evelyn, moved to Florida to be near his first love, the circus, a place he described as the closest to heaven he could get on earth. A memorial service for Judge Riker was held October 25, 2009, in Sarasota, Florida.



Dale A. Riker

# *A Tribute to C. Rees Dean*

*Past President*

By Richard E. Cooley

Rees grew up in Missouri. He attended the University of Missouri, where he met his future wife, Nancy Mixer, a student at nearby Stephens College.

Following graduation in 1943, Rees joined the Army Air Corps and became a B-24 pilot. He flew 50 missions over Germany and earned, among other military honors, the Distinguished Flying Cross. He was so traumatized by his combat flying experiences that he did not ride in an airplane again until 1975.

Rees and Nancy were married after the war, and he attended the University of Michigan Law School, from which he graduated in 1948.

They settled in Flint, Nancy's home town, and Rees became an associate at Brownell, Gault & Andrews, where he

worked on some of C.S. Mott's legal matters. Subsequently, he joined Ralph Freeman and Bob Bellairs in the firm that eventually included myself, John Siler, Steve Moulton, and Alan Smith. He became our mentor, law partner, and friend.

Rees had a general civil practice, and his primary client was the Flint Board of Education. He practiced law for over 50 years in his adopted home town.

Rees believed in giving back to the community. He was a natural leader who served as president, not only of the bar association, but also of the Hurley Hospital Board, McFarland Children's Home, Flint Kiwanis Club, Goodwill Industries, and the Flint Golf Club.

He is survived by three children, eight grandchildren, and eight great-

grandchildren. The family includes four lawyers, two teachers, a physician, a medical school student, a law school student, and an Emmy award-winning writer-producer. His wife, Nancy, passed away shortly before his retirement, and he moved to Gaylord for a time. He spent his remaining years living in Arizona.

Rees was a gentleman and scholar who was admired and respected by all who knew him. This fine man set a professional and personal example that all of us should try to emulate.

*Editor's Note:* Rees passed away peacefully in his sleep on September 3, 2009 surrounded by his children at his home in Tucson.



C. Rees Dean



## More from Holiday Dinner 2008



### Lunch with Larry

After the holiday dinner, members support Temple Dining at "Lunch with Larry."

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