

September/October 2007

BARBEAT

Genesee County Bar Association



County Color

by Judge Michael J. Theile
at Larks Lake near Pellston, MI

2nd Annual GCBA Art Show

Long Delays at the Flint Social
Security Hearing Office

Member Profile of Deborah Adenike
Temitope Adejo

2nd Annual GCBA Art Show

Premier of original artwork from GCBA members and their families

Greater Flint Arts Council

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Tuesday, October 9, 2007 ♦ 5–7 p.m.

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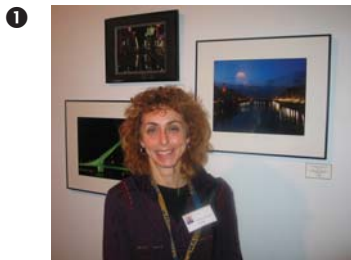
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♦ Hosted by sustaining members of the GCBA ♦

If you are an artist and wish to display your work, please contact the GCBA at (810) 232-6012.

Art from the 2006 Show



- 1 Shelley Spivack - photography
- 2 Jay Snodgrass - photography
- 3 Tony Vance - charcoal
- 4 Pat Parker - photography
- 5 Bill Hayes - sketches
- 6 Tom McCombs - oil
- 7 Ruby Allen - jewelry
- 8 Linda Pohly - paper mache' -
with husband Al Branham

Genesee County Bar Association

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

View from Behind the Wheel

By Kurtis L.V. Brown, President

By the time you read this, the summer of 2007 will be more of a memory than a reality. Hopefully, the summer of 2007 brought each of you the opportunity to enjoy the good weather and to have some much deserved relaxation with family and friends. Just as our individual and collective roles in the legal community as attorneys is important, it is equally important for us to recharge our batteries with a vacation out of town, a quick weekend at a cottage, or even a few hours away from the office on the golf course, in a boat, or taking a relaxing drive. The reality is that, in these difficult economic times, often one of the first things to suffer is time with friends and family as one becomes increasingly busy trying to make ends meet by concentrating more and more on meeting the professional demands of our respective practices.

Over the summer of 2007, your bar association brought its most recent fiscal year to a close. Our Board of Directors says goodbye to Immediate Past President Bill Reising and Directors Mike Behm and Linda Pohly. Both Mr. Behm and Ms. Pohly provided invaluable insights during their time on our Board of Directors. Bill Reising has provided not only his time and

his service to this bar association, but invaluable leadership as well.

However, just as we take a moment to look back and thank those that are leaving our Board of Directors, we must also look forward to the future. We welcome three new members to our Board of Directors: Shayla Blankenship, Ridley Nimmo, and Jeremy Piper.

Financially, your bar association ended its fiscal year on June 30, 2007, with a balanced budget. Our upcoming year of activities will be highlighted by work and seminars of our many committee chairs. Please take a moment and look elsewhere within this *Bar Beat* for a roster of committee chairpersons for the upcoming 2007-2008 GCBA year. In addition to reviewing the names of these committee chairs, take a few moments and pick a committee to work on. Your involvement in our bar association has been important and will continue to be important.

The GCBA is also moving forward with its strategic planning. During the spring and summer of 2006, the GCBA Board of Directors elected to embark on an ambitious project of self analysis, change, and improvement.



Kurtis L.V. Brown

Representatives of the American Bar Association came here to help jumpstart this process. The ABA helped to design the questionnaire that was completed before a day-long retreat at Lake Fenton Sailing Club. During this retreat, your board discussed and debated where our bar association was at that time and where the bar association should go in the future.

Work to complete all of the goals of the GCBA strategic plan will take years to complete. At the present time, the Board of Directors is working to complete a mission statement and to complete work on a new logo for the GCBA. Work is also ongoing to create additional opportunities for us to gather socially in the coming months.

Fall is one of my favorite times of year, and I look forward not only to working as your president, but also rooting for my favorite team.

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October Membership Meeting at the Masonic Temple in Flint

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Details can be found at <http://www.gcbalaw.org/calendar.shtml>

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Victor L. Galea

Long Delays at the Flint Social Security Hearing Office

By Victor L. Galea, Sr., PLC

Throughout the 150 or so Social Security hearing offices in the country, case backlogs have increased drastically in recent years. Upon my departure from the Flint office as Social Security senior attorney and attorney advisor in September 1999, a case was considered seriously old if it had been a year since the appeal was filed. In the last few years, case-processing time started increasing rapidly. Now, cases are routinely delayed *over two years* until a hearing is held, and often several months pass after that until a decision is issued, causing serious additional hardship to many claimants, especially those without a working spouse or a disability payment from an employer.

There are several reasons for the drastic and relatively sudden increase in processing time, most significantly the elimination of a second appeal step, Reconsideration, that used to be required before the Request for Hearing could be filed. This was part of a pilot project that was started in a few states in 2000. Social Security had planned to implement this throughout the country, but based on the pilot results, the plan was abandoned. This part of the change remained in effect in the pilot states, however.

Elimination of Reconsideration was a good change, in my opinion, since very few denials were reversed at Reconsideration, and it only served to discourage many claimants from pursuing their appeal to a hearing. This also caused a very large increase in the cases coming into the hearing offices in those states, including Michigan, where

the change was made. Poor economic conditions and other factors have also inflated the volume of incoming cases. This was further worsened in Flint because there has been little or no increase in staffing to handle those cases, and several of the very experienced support staff have retired.

Staff members of the Flint hearing office are very hard working, skilled, and compassionate. They have made continuing improvements in case processing capacity, but have no control over how quickly more cases come in. They are personally distressed by the delays, but the drastically increased intake cannot be matched by incremental improvements in case processing.

Another significant news item is the change to electronic files. Most new cases coming in are no longer on paper, but are stored as data on a secure server. When I go to review a file, I am often handed a CD. New evidence is to be submitted by fax, and is converted directly to data. I am in favor of saving trees, but am very concerned that the large number of unrepresented claimants will have less access to their files as a result of this change, even with a hearing office staff person to show them how to use the public computer for viewing files. Many of the claimants have a very limited education or other mental or emotional barriers to using a computer. This may be a good thing for attorneys in the practice, if it motivates some claimants to seek representation, but I doubt that this was the intent of the project, and it is an unintentional barrier.

Many claimants still come into hearings unrepresented. In my admittedly biased opinion, this is almost always a bad idea. Too often, I talk to claimants who were denied after going alone to their hearings because they were sure that their disability was so obvious that there was no need for an attorney. This

... cases are routinely delayed *over two years* until a hearing is held, and often several months pass after that until a decision is issued, causing serious additional hardship to many claimants . . .

is sometimes correct, but because Social Security provides very little useful information about what disability means, and does not advise the claimants that they must obtain medical evidence themselves, many times unrepresented claimants cannot effectively present their cases. This is true even when the judges make some efforts to assist them in gathering medical records and getting the testimony needed to present the case.

It is well known that a Social Security attorney cannot charge a fee unless the necessary forms are filed with the Administration, and then the only pay is a contingent fee of 25 percent of past due benefits, not more than \$5,300, which Social Security must first approve and will withhold from the benefits and pay to the attorney directly.

Even after a case is won, there are increasing delays processing payment at Social Security. Payments are processed in several large payment centers, and delays there mean that, even after waiting for a hearing, and

Continued on page 11

It Only Takes Five

The third in a series of articles about members owning non-law-related businesses.

It only takes five seconds to form an impression of someone, says Donna L. Ullrich, GCBA member and owner of Protocol Consulting Group, Inc. (PCG) along with partners Michael E. Dach of Grand Blanc and Julie Duke of Okemos. Unique to mid-Michigan, PCG provides expert coaching on the appropriate behavior for any business or social situation, including media appearances and government and international protocol. The trio share an interest in promoting civility and respect in all walks of life, and PCG allows them to promote those ideals. They believe that etiquette is required to interact respectfully and successfully with co-workers, benefactors, and clients. We are going to bring civility back one respectful action at a time.

A freelance writer, lawyer, and communications instructor at the University of Michigan-Flint, Donna has worked in education and public relations for most of her career. Her public relations experience includes coordination of a presidential visit, co-authorship of congressional testimony, and numerous awards for marketing campaigns.

In 2005-2006, Donna chaired the Genesee County Bar Association

Law Day Committee after serving on it for many years. In 2006, Donna was awarded the Pro Bono Attorney of the Year Award by Legal Services of Eastern Michigan for providing free legal assistance to low-income residents.

Donna believes being a lawyer has helped her in her new venture. The traditions and ceremony of the law and courts reinforce the idea that appropriate behavior is a sign of respect and that one has to practice such skills to become comfortable with them. She also notes that consistency in behavior means everyone is treated equally—with respect and kindness—just as the law is created to treat everyone equally.

She acknowledges that attorneys come away from school with strong skill sets but do not always have the polished presentation skills to best showcase them. She believes that polished etiquette helps attorneys make the very best first impression and provides the opportunity to present professional skills as well. Between her volunteer work, teaching career,

Continued on page 9



Quick Etiquette Quiz/Tips

- 1. You are at a business awards ceremony attended by several hundred people. The person you have come to celebrate has been recognized. You decide to leave early. You should:**
 - a. Quietly excuse yourself to the people at your table and walk away, keeping near a wall when proceeding to the door.
 - b. Stand up, nod to the current speaker, and walk out.
 - c. Not go, as leaving shows disrespect to the other winners.
- 2. How best can you remember which water glass is yours, and which bread roll?**
 - a. Remember, left-to-right, B-M-W: for bread, meal, water.
 - b. Remember, left to right, D-D-R: for drink, dinner plate, roll.
 - c. It doesn't matter. There's enough water and enough bread to go around anyway.
- 3. A sales rep hands you a tattered, stained business card. You:**
 - a. Spend the rest of the afternoon looking for hand sanitizer.
 - b. Take the card, nod, and gently ask if the person has a card that is a bit more fresh.
 - c. Thank him or her, place the card in your pocket or purse, and wonder who else is going to get the contract.
- 4. You are at an unhosted table for 10. The waiter serves you first. When may you begin eating?**
 - a. Immediately.
 - b. When everyone else at the table has been served.
 - c. When the persons to your left and right have been served, if the table is round, or, if the table is rectangular, when the persons to your left, right, and directly across have been served.
- 5. You answer the business phone for a peer and then ask, "Who's calling, please?" Are you correct?**
 - a) Yes
 - b) No
- 6. Question:** I am concerned about my introduction skills and feel awkward about greeting strangers. How can I become more comfortable with introductions?

(Answers on page 9)



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and new etiquette business, Donna often finds herself putting in 80-hour work weeks. If she didn't already have enough on her agenda, she was recently certified as a protocol and etiquette consultant by the Etiquette and Leadership Institute®.

Etiquette isn't just for the dinner table anymore, says Donna. As jobs become more technical and competitive, it is the soft skills that give individuals the confidence and edge to secure the job as well as promotions. Of course, there's nothing out of date about good manners in social or dining situations, she adds. Protocol is defined as the rules for any situation, and according to Ullrich, "etiquette is one's ability to follow those rules."

PCG offers individual and group coaching for business, social, and service organizations as well as youth programs. Topics range from business, social, and dining etiquette to government and international protocol, media appearances, appropriate attire, and special events. One program is aimed at near-

college graduates and job seekers to polish their presentation skills as they seek their first professional positions. Another program focuses on staff and team development, which ultimately enhances customer service.

Donna acknowledges that the biggest concern is successfully building a client base. Recent clients include Mott Community College, University of Detroit-Mercy, Meridian Township Parks & Recreation Department, Haslett School District, Amazing U, UM-Flint, and the Grand Blanc School District. PCG has also been chosen to present at the Region 5 conference of the International Council for the Advancement and Support of Education—an international association of alumni relations, communications and marketing, and fundraising professionals at universities, colleges, and independent schools.

Donna cautions new business owners to be patient. It really does take a year to lay the foundation and get up and running. We feel that we did it right and are now

Answers - Etiquette Quiz

1-c; 2-a; 3-c; 4-c; 5-no: "Who's calling, please" is too intrusive. One should say, "May I tell him/her who is calling?"; 6-Answer: Stand in front of a mirror and introduce two imaginary persons, looking first at one as you say her name and then at the other as you say his name. You may also record yourself and listen for intonations, word usage, pace, and flaws you wish to eliminate. Repeat this procedure until you're comfortable with introductions. Remember, take your time and don't rush. Practice, practice, practice!

enjoying the benefits of planning and implementing carefully.

Information about PCG programs and services is available at www.protocolconsultinggroup.com, by e-mail at info@protocolconsultinggroup.com, or by calling (810)232-8134.

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Correction and Apology

By George Brueck

I would like to make a correction to the "Christmas in July - East Africa 2005" article that I wrote for the January/February 2007, issue of *Bar Beat*. In that article, I mistakenly stated, in error, that the Leakeys had discovered the skeleton of the famous pre-hominid "Lucy" at the Olduvai Gorge outpost in Tanzania. This is incorrect. During a recent visit to the Michigan State University Museum of Natural History in East Lansing, I was

chagrined to find that "Lucy" was, in fact, found by Donald Johanson and Tom Gray on November 24, 1974, at the site of Hadar in Ethiopia.

I would also like to take this opportunity to publicly apologize to my friend Mickey Shanabarger, whose beautiful photographs were prominently featured in the article, for my oversight in failing to advise him in advance of the article and obtaining his express prior permission to use

his photos. While he was properly and appropriately credited for the pictures and graciously and unhesitantly granted his permission "ex post facto," it was, nevertheless, thoughtless and discourteous of me to not have consulted with him beforehand. The pictures used in the article, as well as many more, may be viewed at Mickey Shanabarger Travel Gallery at <http://www.mickeyrs.smugmug.com/>.



Deborah Adenike
Temitope Adeojo

Member Profile of Deborah Adenike Temitope Adeojo

By Ramona Sain

First things first. How do you pronounce your last name?

Adeojo is how my name is spelled, but phonetically the closest appears to be Ah-DAY o-JOE.

You speak excellent English.

I'm glad! I was born in northern Nigeria to the Yoruba people. Nigeria was a colony of England, so English is our first, and official, language. Yoruba is taught in school as our second language.

Can you give us some of your history?

My mother passed away when I was six. My father was a pastor, and when I was 12, he was transferred to Manhattan to start a church. Since we lived in a metropolitan city in Nigeria, the culture shock was not what many would think. As a child, I was teased about living in the jungle with animals. In fact, I had to visit the zoo to see the wild life, just like everyone else! The biggest change was snow. It would get cold in northern Nigeria, but snow was a first for me. Other changes obviously included food, dress, and music. My father passed away about two years after moving to Manhattan. My younger sister, Christianah, and I were

raised by members of the church.

Clearly, education was strongly emphasized in your family.

Yes, college attendance was expected. I went to undergraduate school at Bimington University in New York. I went to Thomas M. Cooley Law School because it was one of the only schools in the country offering part-time, evening, and weekend classes.

Why did you choose to become a lawyer?

Having lived in a country where justice was not the norm, I came to appreciate the American judicial system from the federal level on down. It is a system of justice that (to a much lesser extent in America than in Nigeria) is not based on money. I knew that I wanted to be part of that.

What areas do you practice?

Fresh out of law school, I was hired by Legal Services of Eastern Michigan and worked housing cases. At UAW-GM Legal services, where I have been employed for the past four years, I practice property law and will, trust, and estate planning.

What do you enjoy the most about the law?

I love the law...its challenges and its practices. I find property law particularly fascinating—I know, a lot of people find that hard to believe! But when I took my first class on property law, I

knew that was what I wanted to do. Property law is fascinating because most of the time there really are two sides to an issue, such as in dealing with boundary and constructions cases. I enjoy finding resolution to these cases.

What do you enjoy the least about the law?

The thing I like least about the law is that there are times when there is no remedy for an issue. I understand that the law cannot provide a remedy for everything, but still.... I also do not like discourteous attorneys. My experience with attorneys in Genesee County has been very positive. I cannot always say that about attorneys from other areas. In Genesee County, we get to know one another personally, and that really helps.

You are also a regular volunteer for Law Day and the 5K Road Race. Why do you volunteer?

I really think it's important to volunteer. The courtroom is not conducive to building relationships with attorneys—it's not like we can socialize in the courtroom! But volunteering and attending bar functions is a great way to give back and get involved. Bar activities allow members to relate on a personal level.

Editor's Note: Temitope means "to give thanks" in Yoruba.



Guy Hill

Guy Hill

By Norman Gottlieb

My 50-year relationship with Guy Hill runs from open professional hostility to boundless affection. With him as the *rich insurance company's*

defense lawyer and me representing the *poor plaintiff*, we were at each other's throats in over 100 lawsuits.

In a case before the first Judge Elliott, when the jury in the midst of deliberation sent a note to him asking that a portion of my closing argument be again read to them, the judge turned to Guy and asked him if he had a problem with that. At which Guy scratched his head and said, "I have a problem listening to what Gottlieb has to say even only once!" Yet, confrontation can also breed respect. So when I was (only once!) sued for malpractice, I asked Guy to defend me. There is no greater compliment to an attorney than to be hired by another lawyer. We thereafter became close personal friends, and I have loved him as a brother ever since. My heart goes out to his kids and to his dear wife, Wanda.

Editor's Note: Guy Hill passed away October 18, 2006. A moment of silence was given to Guy at the 2007-2008 annual meeting and election of officers.

Long Delays . .

Continued from page 6

waiting for a decision that ends up favorably, clients often wait several more months to begin receiving benefits, adding further to financial and emotional hardship.

Unfavorable decisions from an administrative law judge may be appealed to the appeals council, and beyond that to the federal courts. Such appeals are rarely successful. The appeals council has dealt with their massive backlog by denying almost all appeals, regardless of merit, and with no explanation of the basis for their decisions. The U.S. District Court has become a more hostile venue in recent years, resulting in even fewer attorneys willing to take such cases than before. All this makes the ALJ hearing even more critical, as it is really the only realistic chance for a Social Security disability claimant to receive a favorable decision.

Editor's Note: Victor Galea limits his practice to representing claimants before the Social Security Administration, with the large majority of his work with the Flint hearing office. For more information, Victor can be reached directly at (810) 233-0633.

My Partner, My Friend

By Otis Stout



Ira Bare

This is an occasion particularly ripe for the digging up of pleasant reminiscences concerning my law partner and friend, Ira Bare, who passed away on June 13, 2007. Our other partner, Ronald Brewer, passed away in February of 2002. Bare, Brewer and Stout may be no more, but certainly, the practice of law goes on, as well as many fond memories.

Standing here alone in our law office in beautiful downtown Clio, I am reminded of one of those memories. Thirty-one years ago, I had just announced my graduation from law school in the local newspaper, the *Clio Messenger*, and my reported intention of opening up a law office. Very soon, I had an opportunity. Although I was clueless, quite remarkably, Ira Bare sought me out, offered me a space in a cramped office with him and Ron Brewer and a percentage of the fees that I would generate. Off I went, hanging out my shingle because of an offer of a start by this kind gentleman lawyer, Ira Bare, Esquire. At that time, in 1976, when he was 53 years of age, Ira vowed that in 10 years he would retire and enjoy the good life at his cabin on Crystal Lake in Beulah, Michigan. Oddly enough, Ira dropped the subject of retirement about 20 years ago and never a word was spoken about it thereafter.

As you are aware, Ira worked until his death. For that matter, so did Ron Brewer, but Ron was much younger, only 65 at the time of his death. Ira would have had his 84th birthday in July.

How full of life, strength, confidence, and pride Ira was but a few short weeks ago. It is right that I, and not a stranger, should take it upon myself to remember him and all that he did for the Clio community, his family, and the bar association. To the end, I will speak of his praises and the good that he did, and value the guidance that he gave me. All things change in the procession of years. It may be that the lawyers of today are not the lawyers of 55 years ago, or even 30 years ago. I knew Ira well, and it is very easy to say something complimentary about him. As long as such men as he devote their lives to the good and betterment of the public, and the cautious and prudent practice of law, the credit to the community and the bar association will never cease. I can only hope to be remembered for the same high qualities, the same moral and intellectual attainments, the same graciousness of manner, of conduct, of observation and expression as my law partner and friend, Ira Bare. Gone, but never forgotten.

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- In 2005 Research Magazine named Sherri as one of the "**Top-Ranked Advisors in America**"
- Named as one of the "**150 Best Financial Advisors for Doctors**" in 2004, 2005 & 2006 by Medical Economics

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