

BAR BRIEFS



Official Publication of the Macomb Bar Association

August 2024

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MACOMB BAR ASSOCIATION
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We Serve

By Dana Freers, President of the Macomb Bar Association

A huge thank you to everyone who celebrated my installation! As you know, we had it at the Fraser Lions Carnival in the beer tent. I always love an opportunity for my groups to meet so to me, this was perfect. As a profession, lawyers are public servants. We give of ourselves both inside and outside of the courtroom. Many lawyers are Lions.

The Lions first came into existence in 1917 when a Chicago businessman named Melvin Jones gathered business clubs from around the country that wanted to serve their communities. Just three short years later, the Lions became Lions Club International with 6,400 members in 23 states and Canada. Today, there are over 1.4 million Lions active in 49,000 clubs all over the world. Lions focus their community service on 8 areas- childhood cancer, diabetes, disaster relief, the environment, humanitarian aid, hunger, vision and our youth.

The Fraser Lions Club was founded on May 13, 1946 by a group of Fraser businessmen. Membership was limited to 40 men with none from the same profession. From 1946 through the 1960's, there was a waiting list to join the Club. The Fraser Lions built their club house in 1974 and we still use it today for our Club and local Lions activities.

The Lions were originally a male only organization. Admitting women is relatively new for Lions. The first female member of the Fraser Lions, Lion Kimberly Thiede,

joined in June of 2010. She is still active in the Fraser Lions and sponsored my admission.

The Fraser Lions have participated in White Cane sales since its inception benefitting Leader Dogs for the Blind, the only facility of its kind in the entire world. The Fraser Lions have contributed to city parks, tennis courts and baseball field lighting. The Fraser Lions donated a Jaws of Life and a Resuscitation Annie. We host annual, free Halloween and Christmas parties where children can



participate in Project Kidsight and get their eyes tested for free. The Fraser Lions donate scholarships for college and build handicap ramps free of charge for people who need them. We collect and donate glasses to less fortunate countries. We support Leader Dogs, Bear Lake Camp, Penrickton Center for Blind Children, Beaumont Silent Children's Fund and many local causes and projects.

We are able to do so much due to the success of our biggest fundraiser of the year, the Fraser Lions Carnival. We annually host the 4 day Carnival the third weekend in July at Steffens Park in Fraser. The money we raise at the Carnival (and in the beer tent) allows us to support our charities, our community and our events all year long. As a proud Fraser Lion, this is why I was so excited to host my installation at our annual Carnival. I wanted to bring awareness to our amazing club and all the good that we do. Check out your local Lions Club- you might love what you find!



A Time To Celebrate

By Kelly Bennett, Executive Director of the Macomb Bar Association

On July 18, I had the privilege of attending the Macomb County Bar Association's 96th Presidential Installation. Seeing so many members of the Association come together to celebrate Dana Freers' installation as president was terrific. Given that I see most of the members of the Association in a professional setting, I was delighted to interact with everyone in the casual setting of the Fraser Lions Club Carnival. I really enjoyed getting to know you all better and look forward to meeting more members at future events.

The weather was perfect, and the mood was light, with judges, attorneys, family, and friends mingling and enjoying tacos, shawarma, drinks, rides, and games. As I'm sure you'll see in the photos in this magazine, a great time was had by all. Thank you to Monica Andary for taking the beautiful pictures.

With the swearing-in, generously conducted by Judge Kathleen Galen, the next set of Macomb County Bar Association Board Directors committed or recommitted to the mission of the Association: to improve the administration of justice, elevate standards of professional conduct, support professional development, and promote respect for the legal profession by the public.

Though this is a serious mission, some of it will be accomplished through fun. Plans are coming together for a year of events to bring you together to learn, meet, and enjoy Macomb County's offerings. Many of you have expressed to me the desire for more in-person events and the Board, and I think you'll enjoy what we have in store, so stay tuned to our Event Calendar and EBriefs for news soon.

Of course, the Board of Directors and I value your input on events and more! We've made it easy for you to give us feedback and ideas with our newly created survey.

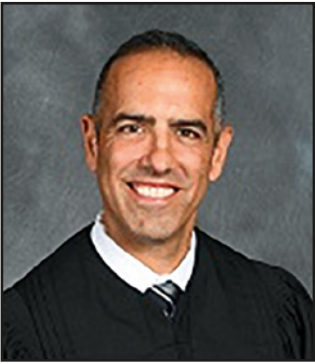
If you haven't already done so, please complete the 2024 Member Survey at <https://tinyurl.com/MCBASURVEY>.

Another way you can participate is to contribute to this very magazine. Is there a recent case you'd like to write about? How about an issue affecting your area of the law? Would you like to highlight a colleague's work in their field? Are you a specialist in your field and want to share some niche knowledge? The membership who reads Bar Briefs would benefit from your piece. If you'd like to contribute, contact me at kbennett@macombbar.org with your article or article idea.

If you ever have questions, whether it's about our services, membership benefits, billing, or anything else, please get in touch with me directly. When you call the Bar office, you can select my line. This is the easiest way to make sure you get through to me. Of course, if you're in the Circuit Court building, I'd love to meet you in person, too!

Thank you for your continued support during this transition time. I am grateful to those of you who have reached out to say hello, address a problem, contribute an idea, or even put a check in the mail. This association is filled with intelligent and kind people, and I'm proud to be a part of it.

Kelly Bennett served as the Head of Circulation at the Ferndale Area District Library for 12 years. She specializes in project management, process development, collaborative leadership, and relationship building. Her time at the library and at the Arab American National Museum gave her over 20 years of experience planning and executing special events, including concert series, discussion panels, seed swaps, and author events. She is a graduate of Wayne State University and has a purple belt in Brazilian Jiu-Jitsu.



Empathy & Civility: Congratulations to Judge Ed Servitto

By Judge Michael Servitto

With Judge Edward Servitto's impending retirement, MCBA President Freers asked that I put a few words together to commemorate his career. With such a unique history from which to draw, one might think this would be an easy assignment; however, Judge Ed truly shuns the spotlight. Luckily, I have the inside track as to his background and several of his accomplishments.

After earning his Juris Doctor cum laude from the Detroit College of Law in 1977, Judge Ed almost immediately began making a name for himself as a fierce litigator. He served as an Assistant Attorney General for the State of Michigan and a Special Assistant Attorney General for the State of Wisconsin. As an assistant attorney general, Judge Ed, among other things, successfully litigated Michigan's first consumer protection cases as well as prosecuting one of the first physician fraud Medicaid overutilization and pharmacy fraud of generic substitutions.

Judge Ed also served as the City Attorney of Warren and Chief Assistant City Attorney of Warren. As Chief Assistant City Attorney, Judge Ed stewarded the Warren Tank Plant closure and redevelopment. Somehow, he was able to acquire the Tank Plant for less than \$6 million and sell the development for more than \$30 million creating a boon to the City of Warren. Some of my sources indicate

that Judge Ed was so shrewd that at the time of the sale, the City of Warren did not even own the property yet! Hopefully we'll get more in the unauthorized biography.



Notwithstanding an already impressive career, Judge Ed emerged from eleven years in private practice with almost folklore status. As a criminal defense attorney, he secured acquittals of criminal defendants ranging from retail fraud to murder. He also obtained outstanding verdicts in the civil arena. Yet, if you talk to Judge Ed, the endeavor upon which he most fondly reflects was the founding of the Renegade Lawyers Bar. To this day, he claims the Renegade Lawyers forced a prosecutor to retreat from a "no deals" policy when its members

demanded preliminary examinations on every felony that their clients faced.

Finally in 2000, Judge Ed was elected to the Macomb County Circuit Court where he has served in both Family Court and the Criminal/Civil Division. Significantly, he started one of the county's first specialty courts without any State or County involvement. His "Mini Court" allowed him to meet with young offenders to aid their successful completion of probation and establish a solid foundation for their future.

As either judge or advocate, empathy might be Judge Ed's greatest asset, and he has it in spades. Prior to law

school, Judge Ed grew up on the West Side of Detroit. While attending Detroit Catholic Central, he worked laying tile. Then, while attending Eastern Michigan University, he worked as a custodian, shoe salesman, tow truck operator, and mechanic. Of all the prominent members of the community and colorful cast of characters that have passed through Judge Ed's life, the person from whom Judge Ed recounts as having told the greatest life axiom was another mechanic with whom he worked at the gas station. Judge Ed would drill into us kids this mechanic's mantra that, "ain't nobody better than you and ain't nobody worse." That quote is the best insight I can give to anyone that wants to know my father. I can only suspect that this core disposition is why he can relate to so many and how he has such a power of persuasion.

Encouraging Judge Ed to accept any awards in recognition of his unique and storied career is like pulling teeth. Yet, I submit it is precisely his aversion to pomp and circumstance and notoriety which made him such an effective advocate and a true judge of the people. Judge Ed tells me that his greatest legacy is his family. I can only hope that we are able to honor his legacy by treating others with the same compassion and understanding that he has unendingly displayed.

Circuit Court Update

By Jean M. Cloud, Deputy Court Administrator
16th Judicial Court

The 16th Judicial Circuit Court is accepting applications for attorneys to represent indigent persons on domestic matters. Domestic matters include the following types of hearings:

PPO violation hearing

ERPO violation hearing

**Friend of the Court attachment/
show cause hearing**

If you are interested in applying, you may complete the attached Application, or you can follow this link: https://www.macombgov.org/sites/default/files/files/2024-04/CT_20240401_ja_indigentpanelapplication_domestic_0.pdf

Once the application has been completed, please return it to:

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Applications may also be emailed to
shelley.lemire@macombgov.org.

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Secret Cash Undermines Marriage and Estate Plans

*By Timothy P. Flynn and
Frank L. Briguglio, Clarkston Legal*



Stashing secret cash at home is neither good for a marriage nor an estate plan. Cash, unlike nearly all other assets, has no indicia of ownership, no title, no deed, no receipt. Cash is just cash.

Many people in the Baby Boomer [and older] generation, place less trust in financial institutions so they kept spare cash stashed around the house or office. Younger folk, being digital natives, prefer electronic currency; they prefer to move cash through apps.

From time to time, our law firm represents spouses going through divorce, or family members litigating probate matters. In some of those cases, cash is stashed in a safe. More often than not, when the process results in opening the safe to verify the amount of cash, the safe is empty.

This post examines the risks associated with stashing cash from an estate planning perspective, and from the perspective of a marriage.

Estate Plans and Hidden Cash

The biggest risk of stashed cash in the estate planning context is that too often, no one knows its there except the decedent. And the decedent usually does not leave instructions on where to find it; that is the very nature of stashed cash.

Cash is frequently stashed in the walls of a decedent's home, placed between the pages of books, hidden in the freezer, and many other creative hiding places. Cash, gold bars, gold coins, silver, and other precious metals and jewelry are assets of the estate.

At best, the owner risks the cash and valuables not going toward their intended destination; at worst, it could be a total loss. Common risks include theft, fire destruction, water damage or other disasters.

In addition to crimes, the decedent risks having the hidden assets misappropriated by a family member or friend; this is especially true in families undergoing

conflict and with people suffering from cognitive decline. Mental challenges such as Alzheimer's disease or severe paranoia can operate to fuel a cash hoarding mentality. Such a person may not recall their intent for the hidden funds or at the very least, they forget where they placed the money and how much was hidden.

Quite apart from a total loss, there is a lost interest opportunity that affects stashed cash and valuables. Most cash funds could easily double had they been invested rather than hidden in a drawer for the better part of a decade.

Because cash has no ownership records, the identity of the legal owner is very unclear; there is no paper trail with cash except the paper denotations of the cash itself. Inheritances can get very messy with cash to the extent that estate plans rarely account for hidden assets.

When family members noticeably begin to slip mentally, it may be time to install a power of attorney to shore-up the operations and make sure personal finances flow smoothly. Alzheimer's, dementia, or severe paranoia are mental conditions that sometimes cause people to revert to behaviors such as hoarding, cash stashing, or hiding valuables. One of the biggest risks of such behavior is that the person forgets where they stashed the cash, or that they hid the cash altogether.

The classic estate planning dilemma is to ensure that elderly parents have an estate plan that includes, if necessary and appropriate, a revocable trust, a "pour over" will, and basic powers of attorney. These instruments provide flexibility and control for the settlors -or trustmakers- while simultaneously providing a layer of security if the parent or spouse continues to decline.

Like estate planning, hidden cash stashes can complicate a marriage.

Marriage and Hidden Cash

We had a case several years ago where the husband diverted a very modest amount of his bi-weekly paycheck

into a secret savings account to be able to purchase a diamond necklace for his spouse on their 10th anniversary which was nearly 4-years away. Long before the anniversary, his wife discovered the shortfall in her husband's paycheck and called him out on it.

In the tense discussions that followed, he came clean thinking she would be touched by such a "thoughtful" gesture. Guess again. She was highly irritated because: a) she did not believe these were his true intentions with the hidden account; and b) she detested surprises and thought her husband knew that feature of her personality.

Like stashed cash in the estate planning context, hidden cash within a marriage is rarely a good idea. Well intentioned money secrets can and usually do backfire, leading to feelings of confusion, resentment, and frustration with the other spouse.

Sometimes, a spouse conceals money to hide conduct that is unbecoming such as a gambling or drinking habit. Other times, hidden cash fuels a shopping mania which can belie a mental condition one spouse does not wish to disclose to the other. Eventually, what was hidden often comes into the light of day.

A recent Bankrate survey referenced in the New York Times indicated that over 40% of adults in the US admitted to withholding a financial secret from their spouse. Of those, nearly 20% admitted to a secret bank account. The reason for so many secrets: a desire to control their own financial destiny.

Despite these motivations, secret bank accounts can cause tension and distrust in a marriage. Trust is a central pillar for building a strong financial partnership in a marriage. Obviously, hidden accounts and secret stashed cash, once it comes to light, erodes the trust critical to a financial partnership.

Another commonly cited reason for hiding cash in a marriage: distrust of the other spouse's ability to properly manage finances. We see numerous divorces where one spouse is a disciplined saver while the other is a spend thrift.

Women of an older generation are sometimes prone to stashing cash. And who could blame them considering that until the Equal Credit Opportunity Act was passed in 1974, women did not have a legal right to open a bank account (or a credit card) in their own name.

Partners in unstable relationships can feel like they need to build a secret "walking-out-the-door" fund. Knowing they have some money stashed provides a sense of empowerment.

In sum, there is nothing wrong with a certain level of financial independence within a marriage or a relationship.

However, we here at Clarkston Legal have learned that "honesty is always the best policy". Therefore, consider building separate accounts with an ethos of full disclosure; with each spouse or partner contributing the same agreed upon amount into their own respective accounts.

This way, financial independence can be achieved within the context of trust. That in turn strengthens a marriage or a serious relationship.

Clarkston Legal is a group of attorneys practicing in the areas of Family Law, Probate and Criminal Defense centrally located in Northern Oakland County The firm is only minutes away from Oakland County Circuit Court and practicing in all adjacent counties.

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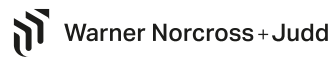
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Warner Named One of Top 10 Best Law Firms to Work For by Vault

Press Release from Warner Norcross + Judd



Warner Norcross + Judd LLP has been ranked one of the Top 10 Best Law Firms to Work For by Vault for the first time.

Based on a survey of over 20,000 associates at large law firms across the country, Vault's annual rankings of the 50 Best Law Firms to Work For highlight several aspects of workplace satisfaction. Associates are asked voluntarily to rate their satisfaction with their current career outlook, the quality of work assignments they receive, their firm's commitment to diversity and their compensation package, among other factors.

In ranking Warner in the top 10, Vault noted: One of the largest firms in Michigan, Warner Norcross + Judd prides itself on being capable of handling "your business matters from start to finish." And it's not only comprehensive and big, it's good. The firm has earned

the title of "Best Corporate Law Firm in West Michigan" more than once from Corporate Board Member magazine.

Vault goes on to say: Attorneys rave about the firm's collaborative, friendly culture, which encourages attorneys to socialize regularly. Associates work at or above their level, and while there is some formal training, associates mostly learn by doing. Partners are respectful and happy to help associates grow in their careers, with few exceptions. The firm is very flexible in how hours are put in, and compensation is completely lockstep by year.





"We are proud of the inclusive culture we offer here at Warner and the deep commitment we have to our excellent team of attorneys," managing partner Mark Wassink said. "Being named a Top 10 Law Firm to Work For by Vault affirms this commitment, and we are honored by this recognition, particularly since our associates voluntarily provided such great feedback.

"Our firm structure encourages collaboration. We are intentional about providing opportunities for our associates to do meaningful work from the moment they join us. We believe in work-life balance and offer the flexibility needed to encourage this. We strive to be a welcoming, inclusive place for everyone, making sure this flows through to everything we do."

Warner is regularly recognized as a top law firm and an excellent place to work, repeatedly being named one of the "Best Places to Work" and "Cool Places to Work" by Michigan media outlets. BTI Consulting has named the firm a "Top Law Firm in Client Service," and attorneys are regularly included in Chambers USA, Best Lawyers® and Michigan Super Lawyers.

Warner has enhanced its diversity, equity and inclusion efforts by hiring the firm's first full-time DEI manager and signing on as a Mansfield™ participant, among many other initiatives. The firm has had two consecutive classes of summer associates with more than 40% people of color and women.

About Warner: By providing discerning and proactive legal advice, Warner Norcross + Judd LLP builds a better partnership with our clients. One of Michigan's largest law firms, we're focused on providing the best legal solutions and exceptional client service to organizations throughout the world. Connect with us on wnj.com, LinkedIn, Twitter or Facebook.

Friday, August 23, 2024	Macomb County Circuit Court 1st Floor – Jury Room	1:30 p.m.
Presentations By:	'Treatment' Rather Than 'Incarceration' Impactful Sentencing	
1. Community Mental Health Speaker: Holly Gruzowski - Macomb CMH CMH - Public Provider of services for those with severe and persistent mental illness & substance use needs Ref: -Programs for individuals with Primary Mental Health needs -Same/Next Day Intakes -Adult Outpatient Treatment -Residential Services -Forensic and Jail Diversion Services	Get First Hand Information About Available Sentencing Options to Avoid Jail	
2. The Arc of Macomb SpArc Services Speakers: Sue Lind, Program Director Lisa Lepine, Executive Director -Services for individuals with Developmental Disabilities (IDD)	Awesome 1 ½ Hour CLE Seminar! (FREE for Indigent Defense Attorneys)	
3. Macomb Community Corrections Speaker: Barb Caskey, Director of Community Corrections -Pretrial services & alternatives to incarceration focusing primarily on substance use needs and co-occurring disorders	Sign up the seminar at:  https://members.macombbar.org/events	
		

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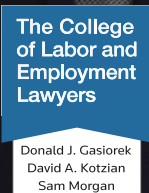
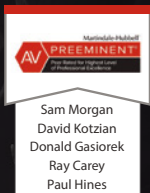


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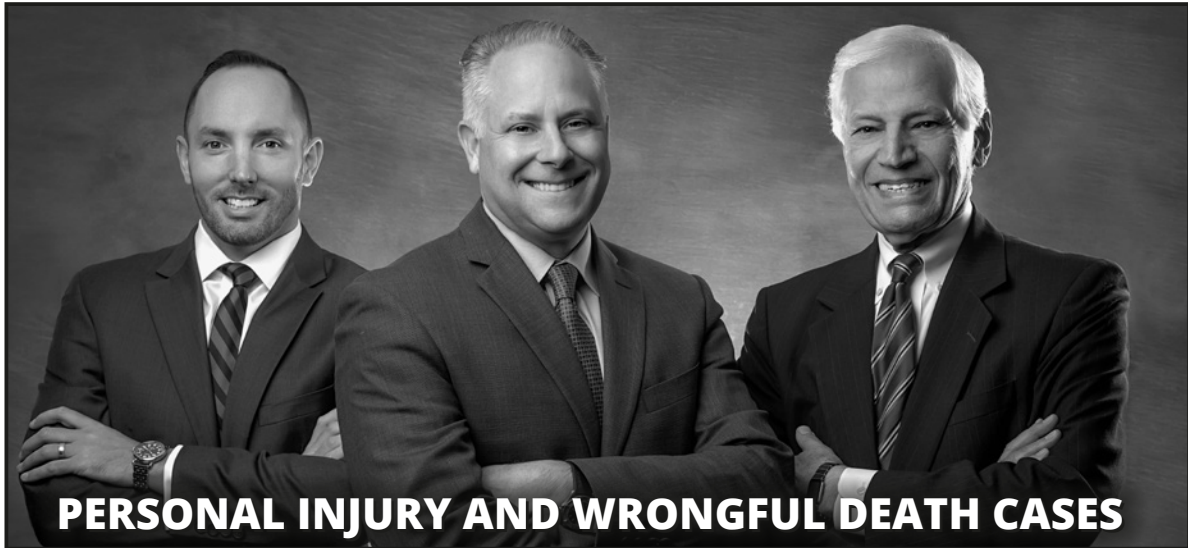
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TRIAL COLLEGE: ADVANCED CASE DEVELOPMENT

August 18-22, 2024 | Bay City Doubletree Hilton
REGISTRATION CODE: TC2024

JUNK SCIENCE - HOW TO DEFEND AN ARSON CASE

September 6, 2024 | 1:00-3:00pm
REGISTRATION CODE: MLSC67

CLINICAL SEXOLOGIST'S GUIDE TO RISK ASSESSMENT (ZOOM)

October 4, 2024 | 1:00-3:30pm
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CDAM 2024 FALL CONFERENCE

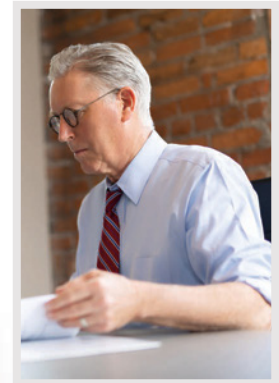
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