

# FALL 2012 NEWSLETTER

## GTLA Bar Association Fall Dinner Scheduled for November 7th

### Madeleine Thomas Award 2012

If you are not familiar with Madeleine, she was a local attorney who tragically lost her life in a rafting accident on a family trip. She was a passionate advocate, and targeted many charitable organizations with her services, her greatest work centered on domestic violence. In part, it was through her commitment that the Woman's Resource Center has become the multifaceted service and education organization we find today.

After Madeleine's passing, several attorneys discussed how to honor Madeleine. In hoping to memorialize the charitable work of Madeleine, we as a Bar Association will annually recognize one attorney for the Madeleine Thomas Award at our Fall dinner. The criteria for the award are service to the community, non-profit work and actions or personal contributions that make this community better for all of us. Past winners include Jerry Colligan, Patrick Heintz, Jo Bullis, Ron Sondée, Stephen C. Chambers, Pat Wilson, Thomas Phillips and Chuck Judson. It would be a disservice to them to try and summarize their accomplishments, however, suffice it to say that each year we have identified the best of the best for this prestigious award.

These extraordinary attorneys often personally offer their time, expertise and financial support to those in need – work that often goes unnoticed by the general public lack of recognition that so many of our extraordinary attorneys in this community richly deserve. We as a group tend to go about our business quietly, working within the community, striving to make it better, never seeking recognition. All the while, the media too often makes every effort to fully disclose even the most minor of transgressions, painting us in a negative light and giving the public a false sense about the good our profession does.

The secondary intent of this award is to reinforce the positive work by our membership that would otherwise go unnoticed.



### Mark your calendar!

The bar association's fall dinner and business meeting is scheduled for Wednesday, November 7th at Top of the Park in the Park Place Hotel

Cocktails will be served at 5:30.

A short business meeting and the presentation of the Madeleine Thomas award will start at 6:00, with a buffet dinner afterward.

The event is free to GTLA Bar Association members. Non-members, including spouses, are welcome. Non-member ticket prices are \$30.

Registration forms are online at [gtlaba.org](http://gtlaba.org) under Events

We look forward to seeing you there!

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## APPEALS

Maurice A. "Mike" Borden is accepting civil action appeal referrals. He has successfully represented businesses and individuals in the Michigan Court of Appeals and Supreme Court and in the Sixth Circuit Court of Appeals. He can be reached at:

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## WLA Update

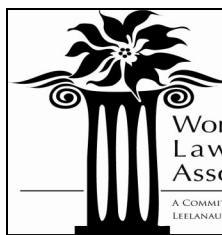
The WLA was an "A Cup" Sponsor for the annual Bras for a Cause event on Friday, October 19, 2012 at Streeters in Traverse City. Proceeds of this event benefit the Northern Michigan Chapter of the Women's Council of Realtors and Munson's Women's Cancer Fund, which helps women suffering from all forms of cancer to meet daily expenses while receiving treatment at Munson Health Center. The 2011 event saw 1000 people in attendance and raised \$30,000 for the Cancer Fund. Spectators say it is a riot to watch men model the decorative bras. Have a look! :) <http://www.brasforacauseetc.com/>

The WLA also donated three \$50 downtown gift cards to the silent auction at the Remembrance Run, also an event to benefit the Women's Cancer Fund that was held on October 6, 2012 at Timber Ridge.

The WLA Holiday Dinner is set for Thursday, November 29, 2012 at 5:30 p.m. at Bistro FouFou in Traverse City, Michigan. **Please RSVP to [jkloet@shrr.com](mailto:jkloet@shrr.com) by November 23, 2012 if you plan to attend!**

The members of the WLA continue to volunteer at the Women's Resource Center legal clinic on the first Wednesday of every month.

The next WLA quarterly meeting will be held on Thursday, December 6, 2012, 12 noon at the offices of Smith Haughey Rice & Roegge in Traverse City. Please notify [jkloet@shrr.com](mailto:jkloet@shrr.com) if you will be present



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## Unmarried Dads DIY Custody Complaint

Lea Ann Sterling

### UNMARRIED DADS DIY CUSTODY COMPLAINT

*While many family law practitioners are all abuzz about the recently enacted Revocation of Paternity Act that affects paternity where the mother is married to a man not the biological father, the more common situation is that the mother is not married. Do-it-yourself help after signing an Affidavit of Parentage to start a custody case is now available.*

"My girlfriend moved out last week and now she won't let me even see our two-year-old child. What can I do?" As the senior attorney for ADAM at the Sterling Law Office, I hear these desperate phone inquiries from unmarried Michigan fathers. After confirming that the girlfriend is not married to another man, I ask, "Are you the father on your child's birth certificate? Did the mom and you sign an Affidavit of Parentage (AOP)? Are there any court orders regarding custody or parenting time?" Many of these dads had been changing diapers, coaching soccer, and dishing up mac-n-cheese right along with the moms of their kids, but are suddenly being denied access to their children.

I sadly tell these dads that the AOP's fine print gives the moms *default* custody *until* a court orders otherwise. Unless the parents previously agreed to custody and parenting time in a child support case, getting a court order usually means filing a *Complaint to Establish Custody, Support, and Parenting Time* with the family court clerk.

How does a dad file such a *Complaint to Establish Custody, Support, and Parenting Time*? As the Friend of the Court makes clear in bold print, "**Friend of the Court does not start lawsuits.**" Hiring an attorney is not an option for everyone, leaving some dads to search for do-it-yourself procedures. Even though the State of Michigan Supreme Court Administrator's Office seems to have a set of D-I-Y forms and instructions for every other family law situation, it has not created a set to start a custody case for unmarried parents. As a long-time former Legal Aid attorney and advocate for access to justice, I set out to find a solution.

Through ADAM at the Sterling Law Office, a form fill-in-the-blanks *Complaint to Establish Custody, Support, and Parenting Time* is available for D-I-Yers. The program picks up on custody and parenting time orders where the Affidavit of Parentage leaves dads behind. The D-I-Y set of instructions and forms is available by mail (call to order a kit at 231-326-4010) and online at [www.sterlinglawoffice.blogspot.com](http://www.sterlinglawoffice.blogspot.com).

It wasn't my imagination that custody determinations for unmarried parents is a growing area of practice. I fielded an increasing number of calls from unmarried dads and learned that unmarried parentage is on the increase. For example, in 2011 of the 110,536 babies born in Michigan, 43% of them were to parents not married ("unwed births"), up from 33.8% in 1999 and steadily rising every year. There is no doubt that the institution of marriage has long been changing and society is adjusting.

The state and federal governments recognize the importance of establishing parentage, but so far, their interest has been in obtaining child support from both parents to keep children off of public assistance. A Michigan Department of Human Services-Department of Community Health program enlists the support of hospital medical records staff to maintain the federally required 90% paternity establishment percentage (PEP) rate. By meeting or exceeding the 90% PEP rate, Michigan avoids financial penalties and earns federal incentive funds. The program recognizes that "studies indicate that children who have a relationship with their fathers are much more likely to live healthy and stable lives," but providing a mechanism for establishing parentage, without setting terms to provide for the relationship, falls short of the recognition of the issue.

Michigan attorney Michael Maran created the *Michigan Divorce Book* in 1986 that has become a standard D-I-Y divorce resource in Michigan. The 13<sup>th</sup> Circuit FOC refers to it as an option to "FILE ON YOUR OWN" on its "Welcome to the Friend of the Court" information sheet posted at Family Court Records and throughout the courthouses. Before creating my form *Complaint to Establish Custody, Support, and Parenting Time* for unmarried parents, I consulted Mr. Maran. He noted that in the past while keeping the divorce book updated made it a labor of love, today's internet and print-on-demand options could make information for unmarried parents much more accessible and current. He encouraged my efforts, stating forms for unmarried parents are needed. Upon reviewing my website, form *Complaint to Establish Custody, Support, and Parenting Time*, and instructions, Mr. Maran confirmed the unmet need for unmarried parents and stated he was glad I had pursued our discussion.

I wish that I could follow the hospital medical records clerks around while they approach new unmarried parents with the Michigan Affidavit of Parentage form. This is how to get the guy's name as the father of the newborn on the birth certificate, they tell him. In his sleep-deprived bliss with the birth of the beautiful baby, these unmarried dads fail to notice the fine print on the affidavit that reads, "The mother has initial custody of the child, without prejudice to the determination of either parent's custodial rights, until otherwise determined by the court or agreed upon by the parties in writing and acknowledged by the court."

That the fine print of the Affidavit of Parentage states that mother has default custody until there is a court order is a provision some question as unconstitutionally favoring women but others say is simply biology. As recognized (above) by the State PEP programs, such a bias against fathers is unfounded, particularly since research has indicated how very important it is for child development that kids have access to their dads. Dads without a parenting time plan providing overnights with their children also pay the highest premium in child support. Until now there has been no do-it-yourself kit to get the judicial custody case started.

The new parents take their baby home, they fail to stop by the courthouse with their signed custody agreement, and live happily ever after—for awhile. If the relationship breaks down, mom and baby move on, leaving dad in the dust without rights to custody or parenting time until he gets to court. Along with the Affidavit of Parentage, the hospital medical records clerks should be passing out information about the D-I-Y kit from ADAM at the Sterling Law Office. While the new parents adore their newborn, they could be starting the process to determine their custodial rights.

The attorneys of Sterling Law Office work throughout northern Michigan from their offices in Empire and Gaylord, and are the northern Michigan affiliate of ADAM (the American Divorce Association for Men). Sterling Law Office can be reached at 231-326-4010 or read about us on the web at [www.sterlinglawoffice.net](http://www.sterlinglawoffice.net). Find the *Complaint to Establish Custody, Support, and Parenting Time* at [www.sterlinglawoffice.blogspot.com](http://www.sterlinglawoffice.blogspot.com).

### Bar Association Newsletter

Editors & Committee Co-Chairs: Lea Ann Sterling, Christopher Carol and Jo Bullis. Published Quarterly. Kindly mail articles and information to GTLABA by **Friday December 2nd** for publication in the **Winter 2012** issue. Questions or comments should be directed to Lea Ann Sterling at [las@sterlinglawoffice.net](mailto:las@sterlinglawoffice.net), Christopher Carol at [CCarol@oneupweb.com](mailto:CCarol@oneupweb.com) or Jo Bullis at [jbullis@wrcgt.com](mailto:jbullis@wrcgt.com).



## Heard in the Halls

### Three New Attorneys Join Smith Haughey's Grand Rapids Office

**Grand Rapids, Mich., October 8, 2012** — Smith Haughey Rice & Roegge is pleased to announce that three new attorneys have joined the firm's Grand Rapids office.

#### Jeffrey C. Kemperman

Jeffrey practices Medical Malpractice Defense representing physicians, nurses, hospitals, and other healthcare providers. Jeff has extensive trial experience having served six years as a Senior Deputy District Attorney. He has organized and initiated 75+ misdemeanor and felony jury trials. His trials included murder, assault, domestic and gang violence, and more.

Jeff is licensed to practice law in the state courts of Colorado and Michigan. He is a member of the Michigan State University Student Alumni Foundation. He has a B.S. from Grand Valley State University, an M.A. from Michigan State University, and a J.D. from Michigan State University College of Law.

#### Nicholas A. Reister

Nick joins the firm's Business and Individual Planning practice group. He practices estate planning, probate and trust administration, probate litigation, real property law, and business law. He also currently instructs and advises at Hope College's Center for Faithful Leadership and Hope's Entrepreneurial Initiative where he teaches Entrepreneurial Leadership.

Nick is licensed to practice law in the state of Michigan and in the Western District Court of Michigan. He holds a Certificate of Completion in the areas of probate and estate planning issued by the Institute of Continuing Legal Education and the Probate and Estate Planning Section of the State Bar of Michigan. Nick is active in his community through multiple organizations. He has a B.A. from Hope College, an M.B.A. from Grand Valley State University, and a J.D. from Michigan State University College of Law.

#### Aubri N. Sheremet

Aubri Sheremet is a medical malpractice trial attorney who defends healthcare facilities and healthcare professionals against claims of malpractice in courts throughout Michigan. Aubri previously served as a chief assistant prosecuting attorney. In that role she prepared for and conducted misdemeanor and felony jury and bench trials. She drafted and argued numerous motions in both District and Circuit Courts on issues of expert witnesses, discovery requests, and various motions on appeal.

Aubri is licensed to practice law in the state of Michigan. She has a B.A. from Michigan State University and a J.D. from Michigan State University College of Law. Aubri also has an American Bar Association Certificate of Completion from Southeastern Paralegal Institute.

Smith Haughey Rice & Roegge has been helping our clients overcome challenges and take advantage of opportunities since 1941. With offices in Ann Arbor, Grand Rapids, and Traverse City, and more than 85 attorneys and counselors, we offer some of the most comprehensive legal experience available. For more information about the firm, call [231.929.4878](tel:231.929.4878) or visit [www.shrr.com](http://www.shrr.com).

### Smith Haughey Rice & Roegge Attorneys Listed in "Best Lawyers" 2013 Edition

**Traverse City, Mich., August 27, 2012** —Twenty attorneys with Smith Haughey Rice & Roegge were recently selected for inclusion in *The Best Lawyers in America 2013* (Copyright 2012 by Woodward/White, Inc., of Aiken, SC).

Among those listed in *Best Lawyers*, the following 6 attorneys practice from the Traverse City office of Smith Haughey:

George F. Bearup

Mark P. Bickel

Peter J. Boyles—first year listed

Charles B. Judson

Todd W. Millar

Ronald A. Schuknecht

*Best Lawyers* is the oldest and most respected peer-review publication in the legal profession. A listing in *Best Lawyers* is widely regarded by both clients and legal professionals as a significant honor, conferred on a lawyer by his or her peers (Copyright 2012 by Woodward/White, Inc. of Aiken, SC). All included lawyers must first be nominated by their peers, and then voted for by a certain number of listed lawyers who take part in the survey. *Smith Haughey Rice & Roegge* has been helping our clients overcome challenges and take advantage of opportunities since 1941. With offices in Ann Arbor, Grand Rapids, and Traverse City, and more than 90 attorneys and counselors, we offer the most comprehensive legal experience available in the areas of Business and Property, Health, Construction, Employment Law, Estate Planning, and Litigation. For more information about the firm, call 877-833-SHRR or visit [www.shrr.com](http://www.shrr.com).

### Heather A. Zang joins Sterling Law Office as an Associate Attorney.

**Gaylord, MI –September 19, 2012** —Heather A. Zang has joined Sterling Law Office as an Associate Attorney.

Ms. Zang came to Sterling Law Office from her solo practice, **Heather A. Zang, Attorney at Law, PLLC**, in Sandusky, Michigan, prior to which she was with the firm of Margaret A. Kelly & Associates, P.L.C. She holds a B.S. in Political Science from Grand Valley State University and a Juris Doctor from Wayne State University Law School.

Sterling Law Office is the northern Michigan affiliate of the America Divorce Association for Men and specializes in family law, immigration, estate planning, social security disability, and bankruptcy. Ms. Zang's experience will extend Sterling Law Office's areas of practice to criminal defense and abuse/neglect defense. The firm has offices in Empire and Gaylord, Michigan. For more information, please contact the firm at (231) 326-4010, [mail@sterlinglawoffice.net](mailto:mail@sterlinglawoffice.net), [www.sterlinglawoffice.net](http://www.sterlinglawoffice.net) or [www.sterlinglawoffice.blogspot.com](http://www.sterlinglawoffice.blogspot.com).

Brian A. Hall of Traverse Legal, PLC has been named to the Michigan *Rising Stars* list as one of the top up-and-coming attorneys in Michigan for 2012. Each year, no more than 2.5 percent of the lawyers in the state receive this honor. The selection for this respected list is made by the research team of *Super Lawyers*. Brian is included on the list of Intellectual Property attorneys. This is the third straight year Brian has been included on this list.



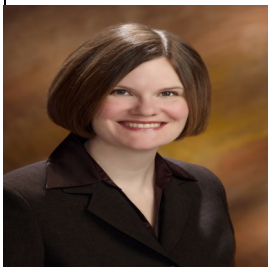
### United Way Day of Caring

Brian A. Hall organized a team of volunteers for this year's United Way Day of Caring and helped complete various projects for The Women's Resource Center. Brian, along with Matt Classens, are members of the Board of Directors for the United Way of Northwest Michigan and have regularly volunteered on behalf of the GTLA Bar Association in years past.

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## President Message

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**Deborah Rysso**

I delight in reading self-help books. Whatever is going on in my life, whether it be wanting to earn more, opening a law firm, having a child diagnosed with ADHD, or coping with a loved one's death, I will look for self-help books on the topic. And then - slowly but surely - I will read them and the tips I learn will help me reach my goal or improve my life. I read every night for at least half an hour, so I should get through these quickly, right? Wrong. Because most nights I opt for something "fun" to read instead.

So when bar members started telling us the repeat message "we want bar events to be more fun", this struck a chord in me. Because I understand the desire to combine professional events with fun. Lawyers' lives are increasingly busy. For most of us, we are the primary breadwinner. Add to that family obligations, health issues, running a household, and a poor economy, and you have a heady combination where fun plays an important role.

On top of that, I appreciate it when people offer valid advice (hence the love affair with self-help books). It helps me provide a better service that is advantageous to everyone. So I appreciated hearing the requests for more fun, and I have taken this advice to heart.

Our fall dinner will be November 7<sup>th</sup> at Top of the Park (top floor of the Park Place Hotel). This is our first major stab at making a bar event more fun. We are trying a new venue that will offer a large and beautiful space where we can all mingle. We are also trying a buffet-style meal that will also promote camaraderie, as well as allow you to tailor your food choices to your liking. On that note, all of you who are heart-healthy can rejoice that our vegetarian option will (for the first time in recent memory) not be covered in a cream sauce and instead will be a lighter pasta/vegetable combination. For the non-vegetarians, there will also be a chicken and roast beef entree option. And for nearly everyone, please note that there will be a cash bar that will require cash and not credit cards.

I look forward to seeing you all there.

In other bar association news, we are in the planning stages of a prosecutor's forum for after the November election. We are also working on improving and updating the newsletter, both in the template and content. And finally, we are always seeking new ideas for CLEs.

I welcome any questions or comments, so please feel free to contact me at [dryso@rysoandwingfield.com](mailto:dryso@rysoandwingfield.com) or [\(231\) 933-5207](tel:2319335207). And above all, enjoy this fleeting fall season.

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### September 2012 FLAC Statistics

- 47 clients were seen at the clinic and 3 of those were assigned an attorney through the Legal Services Program
- 31 Female 16 Male Age range 18-72 and 44 White 3 Hispanic
- Counties represented GTCounty-40 Kalkaska-1 Benzie-2 Leelanau-1 and Antrim- 2
- Legal concerns addressed: Custody/Visitation-6, Divorce-12 Landlord/Tenant-3 Collections-7 Homeowner/Real Property- 4 Individual Rights-2 Torts-1 Income Maintenance-3 Wills/Estates-2 Unknown-3
- Attorneys who volunteered: Ward Kuhn, Kristyn Houle, Dan O'Neil, Eric Phelps, Marie Walker, Bill Burdette, Nate Miller and Greg Jenkins.

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## Top 25 Things You Did Not Know...

### **2012 Probate Judge Candidates**

#### **Kirsten Keilitz**

I was a band geek and played trumpet along with Jennifer Tang-Anderson (bassoon and bells), Tim Smith (sax), and Wilson Brott (trombone).

I am a stickler about apostrophes.

I actually enjoy ironing.

I love fresh sheets and Big Ten football.

I much preferred Legos and Lincoln Logs than dolls. I am not a fan of pie or cake.

I am a better handy-person than many handy-men and because my husband recognizes it, I was presented my engagement ring in a drill bit kit.

I have a scar across the bridge of my nose from a boomerang I didn't throw. I love to cook and eat even more. Watch me pack away the grub!

I play a pretty mean hand of euchre.

I was a champion thumb sucker and wore braces through junior high and high school to prove it. I took my first trip to Mackinac Island when I was nine days old . . . mom needed a vacation after having me!

My favorite restaurant is . . .

#### **Melanie Stanton**

My children, twin daughters, Grace and Abigail, age 16, are my greatest accomplishment.

I have been married to my husband "Bob" for 32 years and I would make the same choice all over again. Bob works at Munson as the director of cancer and cardiovascular services.

When I was 16 I wanted to be a "lawyer" or a "game biologist".

I love to garden.

My favorite candy is black licorice.

I strongly dislike clothes shopping.

I have a Labradoodle (or as my husband states - "lab mix") named "Kenzie" and a hairless cat named "Harry."

I love adventure vacations - snorkeling, biking, white water rafting, horseback riding, hiking, camping - no sitting on a beach reading books for me!

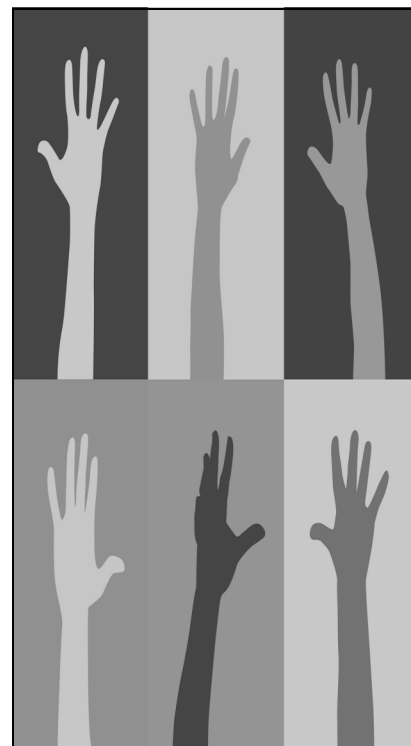
My favorite color is red - and pink and orange hues thereof.

My greatest honor and pleasure was taking care of my Mother, Father and Aunt Terry and providing end of life support and care.

My dream vacation is to take a boat trip down the Amazon River.

When I was a kid and there was a bully at school - I would be first one to step forward and end the bullying acts.

After 23 years of practicing law, I still wear rose colored glasses and believe I can make a difference in people's lives.....



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