

GTLA **BAR** association

NEWSLETTER

Who Are We and What Do We Do?

Jennifer R. Berry, President, GTLA Bar Association



Who comprises the Board of Governors of the GTLA Bar Association and what do they really do?

The Board of Governors is the governing body of the GTLA Bar Association. The executive committee consists of the President, President Elect, Treasurer, Secretary and Immediate Past President. This year, the positions (other than president) are held by Jo Bullis, Mardi Black, Joe Van Horn and Lee Hornberger. The terms of the executive committee all last only one year, except the presidency, which is technically a three-year commitment.

There are six remaining governor positions and three representative positions which essentially comprise the meat and potatoes of the board. The “at large” governor positions are all three-year terms, while the representative terms are each only one-year terms.

In the GTLA Board of Governors there are three representative positions. The Women Lawyers Association representative attends all WLA meetings and reports to the Board on the achievements and events scheduled by the WLA. The Young Lawyers’ representative attends all YLA events and reports to the board on the achievements and events scheduled by the YLA. The representative assembly representative travels to Lansing to attend all representative assembly meetings conducted by the State Bar of Michigan and reports the amendments to court rules, enactment of new court rules and encourages award nominations at the state level. Currently these positions are held by Deborah Rysso, Corey Wiggins, and Robert Witkop and John Blakeslee (both Representative Assembly representatives), respectively.

Most of the at-large governors also hold positions on committees or chair committees within the GTLA Bar Association. The committees are listed each year on your bar application forms and participation in each committee is open to all members. The current committees and chairs are noted on page 2.

Spring 2009



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Have an idea to improve your Newsletter? Questions, comments, complaints?
Please email the Editor, Aaron K. Bowron at legaloil@aol.com

GTLA Bar Association

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<http://www.gtlaba.org>

GTLA Mission Statement: *The Grand Traverse-Leelanau-Antrim Bar Association is a Michigan not-for-profit corporation whose members are attorneys principally practicing in Grand Traverse, Leelanau and Antrim counties. Its mission is to maintain the highest professional standards and competence among attorneys, to promote collegiality and camaraderie among attorneys, to improve the administration of justice, and to provide law-related service and education to its members and the public.*

2008-2009

The GTLA Bar Association officers for 2008-2009 were elected at the May 1, 2008, annual meeting, with a vacancy and some renewal appointments being made at June 18, 2008, Board of Governors meeting.

President	Jennifer Berry	231-929-3113
President-Elect	Jo Bullis	231-941-1210
Past-President	Lee Hornberger	231-941-0746
Secretary	Joe Van Horn	231-946-6200
Treasurer	Mardi Black	231-271-3402
At Large:	Larry LaSusa	6/30/09 231-392-9616
	Shawn Worden	6/30/09 231-929-4878
	Shelley Kester	6/30/10 231-922-6800
	Michael Richey	6/30/10 231-947-4900
	Aaron Bowron	6/30/10 231-946-8630
	Kristen Campbell	6/30/10 231-486-4542
State Bar Representatives:	John Blakeslee	231-946-2700
	Robert Witkop	231-946-4300
Young Lawyers	Corey Wiggins	231-946-8630
Women Lawyers	Deborah Rysso	231-933-5207
Exec. Director	Jill Porter	231-922-4715

GTLA Bar Association

Alternative Dispute Resolution
 Charitable Giving Foundation

Circuit Court Judicial Liaison
 Continuing Legal Education

District Court Judicial Liaison
 Probate Court Judicial Liaison
 Family Division Cir. Ct. Liaison

Financial

Law Day

Law Library

Media

Membership

Mentor

Newsletter

Pro Bono

Program/Special Events

TARS

Committee Chairs

John Racine 231-947-0400
 David Biegenowski

231-947-6073

Larry LaSusa 231-392-9616

Aaron Bowron 231-946-8630

L. Page Graves 231-946-0700

Linda Wasielewski 231-933-0829

Billie Jo Clark 231-275-5007

Jo Bullis 231-941-1210

Michael Richey 231-947-4900

Mike Borden 231-947-0400

Larry LaSusa 231-392-9616

Shelley Kester 231-922-6800

Aaron Bowron 231-946-8630

Jennifer Berry 231-929-3113

Jo Bullis 231-941-1210

Bar Association Newsletter

Editor & Committee Chair: Aaron Bowron

Assistant Editor & Committee Chair: Deborah L. Rysso

Published Quarterly. Kindly mail articles and information to GTLA Bar Association by Monday, June 22, 2009 for publication in the summer issue.

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APPEALS

Maurice "Mike" Borden is accepting civil action appeal referrals. Since serving as a Research Attorney for the Michigan Court of Appeals, he has specialized in appeals. He has successfully represented clients in the Michigan Court of Appeals and Supreme Court and in the Sixth Circuit Court of Appeals. You may contact him at:

Maurice A. Borden
Sondee, Racine & Doren, PLC
 310 West Front Street
 Suite 300
 Traverse City, Michigan 49684

cont'd from page 1

As you can see, there are a few committees who currently are lacking a chair. If you are interested in joining the board by volunteering to chair a committee, please do not hesitate to contact any of us. Each committee serves to make it possible for someone like me to be a full-time litigation attorney and lead the GTLA Bar Association.

Alternative Dispute Resolution: This committee is designed to promote and provide for the education and expansion of Alternative Dispute Resolution techniques, including facilitative mediation with laypersons and attorneys.

Charitable Giving Foundation: The Bar Association, in conjunction with the Grand Traverse Community Regional Foundation, has established a Charitable Fund. Earnings from the Fund will be donated to charitable activities within our tri-county area. Preference will be given to matters of a legal nature, such as support of the Third Level Pro Bono Program or support for mock trial or other programs within our local schools.

Judicial Liaison Committees (Circuit, District, Family & Probate): The purpose of these Committees is to promote and facilitate communication between members of the local bar and the local judiciary; to make recommendations and respond to suggestions to improve court procedures; to promote the quality of justice and explore, in cooperation with the courts, new ideas and techniques in court administration that will make local courts as efficient, effective and responsive to the needs of the public as possible.

Continuing Legal Education Committee: The committee presents a series of lunchtime seminars on topics of interest to local practitioners, both beginning and advanced. Topics for seminars are chosen from attorneys' input. Attorneys are notified on an ongoing basis of the seminar topics and a nominal registration fee is required at some events.

Law Day: The Bar Association sponsors an annual Law Day program which will be on the first Friday in May 2009. Law Day encompasses an 8th and 9th grade essay contest and many activities staffed by volunteer attorneys at various locations. In addition, there is a free Law Day Luncheon for the community usually featuring a member of the judiciary as a speaker.

Law Library Committee: The Bar Association, in conjunction with Grand Traverse County and the Traverse Area District Library, provides one of the best public law libraries north of Grand Rapids for use by its members and the public.

Media Committee: This committee handles the scheduling for "Ask the Attorney." It also assists in the design of the association's website.

Membership: The membership committee develops new and innovative ways to increase our membership and design membership benefits to best serve the current membership base.

Mentor Program: The Mentor Program matches experienced practicing attorneys with requests for a mentor.

Newsletter: The Bar Association publishes a quarterly newsletter, which includes calendars of events, comments from the judiciary and Bar President, and articles on various legal topics.

Pro Bono Committee: The Grand Traverse-Leelanau-Antrim Bar Association, in conjunction with the Third Level Crisis Center, provides a Free Legal Aid Clinic which meets on Tuesday nights at the Third Level Crisis Center. It also provides free legal advice and a network of referral attorneys who accept those pre-screened cases requiring litigation or those in which representation by an attorney is otherwise necessary. The Women Lawyers Committee also works with the Women's Resource Center to provide a Free Legal Aid Clinic at the Women's Resource Center on the first Wednesday of each month. Additionally the committee assists with planning the Do-It-Yourself Divorce Clinic the second Thursday of each month at the Women's Resource Center. The Pro Bono Committee also encourages members of the Bar Association to fulfill their ethical obligation and responsibility to provide pro bono representation to low income or indigent individuals within the geographic area.

Program and Events Committee: The Bar Association has a complimentary cocktail hour and dinner meetings in May and November. These dinners provide not only an opportunity to socialize with other members of the Bar but also an opportunity to gain insight from speakers on topics of interest. The Bar Association also has a No-Talent Show in February and a Golf Outing in September that this committee assists in planning.

Traverse Attorney Referral Service and Committee: The Bar Association has created a referral service whereby individuals can be referred to an attorney in a specific area of practice. The TARS Committee oversees the operation of this service and responds to suggestions and concerns.

As we go through our daily lives, I believe most of us do not notice the benefits the Bar Association can provide. I urge you to become involved with any of the committees or the board of governors in general. It has been a great experience for me in terms of meeting people and networking as well as having the opportunity to help our membership grow and learn as I do. Thank you!

Legal Services of Northern Michigan's Endowment Fund Campaign Gaining Support

Legal Services of Northern Michigan and the Access to Justice Fund of the Michigan State Bar Foundation joined to establish an endowment fund. The fund will assist LSNM in its efforts to increase civil legal services to the region's impoverished families.

Legal Services of Northern Michigan provides a full range of legal services in most areas of civil law for people who meet federal poverty guidelines or who are 60 years of age or older. These services include: counsel and advice; preparation of letters, documents, deeds and pleadings; negotiations, administrative hearings, trials and appeals; and community legal education.

Even before the current economic crisis, LSNM did not have the funding to meet the needs of impoverished families in the region. In 2005, the Legal Services Corporation commissioned a study which revealed that **for every person served, two are turned away due to lack of funding**. In light of this, LSNM established its endowment fund through the Access to Justice Fund of the Michigan State Bar Foundation to better meet the needs of the families in our service area.

As part of its community service, the Women Lawyers Association committed to raising funds for LSNM's endowment by pledging a 100% member donation participation and *issuing a challenge to the members of the Grand*

Traverse-Leelanau Antrim Bar Association. This ongoing pledge drive will help LSNM meet its endowment goal.

Locally, LSNM's Traverse City office serves the immediate eight county region and provided services over 750 families and 950 children for the year 2008.

In addition, LSNM outreach services include:

- Founder and underwriter for the Free Legal Aid Clinic
- Co-founder of the Pro Se Divorce Clinic
- Co-founder of L.E.A.P., Law Enhanced Access Project, a clearinghouse for regional pro bono activities and host of the Annual Pro Bono Recognition Award
- Developer of the Internet Representation Project, www.lsnmirp.org.

By directing funds into an endowment, LSNM creates a stable base upon which to budget and add services for the clients we do not now have the resources to serve. Your contribution to support civil legal services truly becomes an investment in the development of strong families and stable communities in the Traverse City region.

If you would like further information regarding LSNM's endowment fund, you may contact Mary Kavanaugh-Gahn, Deputy Director at (231) 941-0771.

FREE TO A GOOD HOME - Thirty year collection of American Bar Association Journals from the 1960's to 1990's. Also complete collection of Idaho Bar Association Journals from 1992 to present. Please call Jim Datsko if you are interested. (231) 264-1040

(Mis)Adventures in Motorcycling

Aaron K. Bowron, Zirnhelt & Bowron, P.L.C.



My first motorcycle purchase was the product of impulse, triggered by a winter too cold, too snowy and too long. I purchased the bike sight unseen and had it delivered in the middle of February as an antidote to a severe case of cabin fever. No matter that I had never ridden a motorcycle in my life, much less a sophisticated high performance engineering wonder percolating with power, or that it was still a solid two months and another season away before I could even attempt to learn. The allure of the liquid-cooled, dual overhead cam fuel-injected inline, four-cylinder engine, geared for low-end torque and “spirited” acceleration, triumphed over and clouded all rational thought. Intimidating? Hardly. Having mastered in my former life as a gymnast the art of unicycling and juggling at the same time, I was supremely confident that the motorcycle posed no challenge.

I soon discovered otherwise on my April 18th, 56 degree maiden voyage. Thanks to my inartful coordination of clutch and throttle, which requires a subtle touch with spot-on timing, the bike lurched, bucked, shuddered and...stalled. Not once, mind you, but repeatedly, particularly when attempting to proceed from a stop through a green light, usually with a procession of cars behind me, their occupants bearing silent witness to the sad spectacle unfolding before them, as I lurched and stalled my way across the intersection. On one occasion, I had the dubious honor of having a group of mechanics emerge from their shop at the corner of the intersection doubling-over and pointing in laughter at the novice biker blundering his way through the light. The irony, and a fact unknown to those whose entertainment I unwittingly provided, is that I had deftly honed the coordination of clutch and gas in a car, having achieved an admirable personal best of 344,000 miles in a VW with its original clutch. Such is the cruelty of life.

Those painful early days are now six years past and I have since logged a total of 21,000-plus miles on the odometer. I recently traveled to the Blue Ridge Parkway in Virginia, riding—in a test of endurance or madness—600 miles in one day on a single-cylinder, dual-sport, street-legal dirt bike. This past September I traveled 2,300 miles through Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine and Massachusetts. With the exception of tagging a turkey on Supply Rd. last summer, getting flashed by a woman in Iosco County—without any encouragement from me—and a few other misadventures, my travels have largely been without incident.

Those considering motorcycling should be mindful that Michigan law requires a motorcycle endorsement to legally operate a motorcycle on public roads. A motorcycle skills and written test and a vision screening are necessary to obtain the endorsement. The state also offers a Temporary Instruction Permit (TIP) to individuals who have a valid operator’s license, pass a written test and pay the endorsement fee, which allows applicants to acquire riding experience before taking the skills test. The TIP is valid for 180 days from the issue date and requires that permittees ride under the constant visual supervision of a licensed motorcycle operator 18 years of age or older, only during the day and without passengers. Additional legal requirements mandate the registration of the motorcycle and proof of insurance for at least \$20,000/\$40,000 public liability and \$10,000 property damage coverage. Unlike Michigan’s comprehensive auto-insurance coverage, there exists no automatic unlimited medical and rehabilitation benefits under a typical motorcycle insurance policy. Also, helmets are mandatory as is the use of shatterproof goggles, a face shield or windshield when riding at speeds of 35 mph or more.

Finally, and most importantly, pay attention and watch out for turkeys, whether the feathered or four-wheeled variety.

Go confidently in the direction of your dreams. Live the life you have imagined.

--Henry David Thoreau

Aaron K. Bowron maintains law offices in Traverse City and Oakland County and is licensed to practice law in Michigan and Arizona. Besides his interest in motorcycling, and the occasional unicycle/juggling gig, he is a licensed pilot, scuba diver and amateur radio operator. He can be reached at legaloil@aol.com.

LAW DAY 2009

***“A Legacy of Liberty – Celebrating Lincoln’s
Bicentennial”***

Friday May 1, 2009

Schedule of Events

9:00 – 11:00 AM “ASK THE LAWYERS”

Located at the Traverse City Senior Center

11:30 – 1:00 PM COMPLIMENTARY LAW DAY LUNCHEON

Hosted at the Elks Lodge, 625 Bay Street, Traverse City

Reservations are required

Please call Mike Richey at 947-4900 by April 28, 2009

FEATURED SPEAKER

THE HONORABLE MICHAEL J. KELLY

MICHIGAN COURT OF APPEALS

ALSO

THE LIBERTY BELL WINNER

AND

STUDENT ESSAY CONTEST WINNERS WILL BE HONORED

2:00 – 4:00 PM “ASK THE LAWYERS” AND OPEN HOUSE

Located at the Grand Traverse County Law Library

Grand Traverse County Courthouse, 4th Floor

No appointment is necessary

Judge Michael J. Kelly to Speak at Law Day

By Mike Richey, Law Day Chair

The Grand Traverse-Leelanau-Antrim Bar Association is proud to announce that newly-elected Michigan Court of Appeals Judge Michael J. Kelly will be the featured speaker at this year's Law Day luncheon on May 1, 2009. Judge Kelly will speak on this year's theme, "*A Legacy of Liberty – Celebrating Lincoln's Bicentennial.*"

In addition, the Bar Association is seeking nominations for this year's Liberty Bell Award. As most you know, the Liberty Bell Award is given to a non-attorney community member who is recognized for his or her community service in raising awareness in others concerning equal access to the justice system. Nominations for this award may be submitted to Mike Richey at 947-4900, or Roy Jay Montney at 922-9600, through April 15, 2009.

The annual Law Day luncheon will again be held at the Elk's Club in Traverse City. This year's luncheon program will include the presentation of the Liberty Bell Award, as well as announcement of the winners of the Student Essay Contest, the Mayor's Law Day Proclamation, and the annual Law Day speech.

If you would like to RSVP for the Law Day luncheon, please contact Mike Richey at 947-4900, or mar@richey-law.com or before April 28, 2009.

GTLA Calendar of Events

- | | |
|---------|---|
| Apr. 10 | Family Law Committee meeting, Law Library, noon |
| Apr. 14 | Women Lawyers Association meeting, Law Library, noon |
| Apr. 15 | GTLA board meeting, Law Library, 4:30 pm |
| Apr. 16 | Young Lawyers Bar Night. Contact Corey Wiggins (coreyjjwiggins@aol.com) for more information. |
| Apr. 22 | Law Day Essay Contest deadline |
| May 1 | Law Day - "A Legacy of Liberty: Celebrating Lincoln's Bicentennial" |
| May 7 | Annual Dinner at the Waterfront Conference Center (details to come) |
| May 8 | Family Law Committee meeting, Law Library, noon |
| May 12 | Women Lawyers Association meeting, Law Library, noon |
| May 15 | ADR Committee Meeting, Law Library, noon |
| May 20 | GTLA board meeting, Law Library, 4:30 pm |
| May 21 | Young Lawyers Bar Night. Contact Corey Wiggins (coreyjjwiggins@aol.com) for more information. |
| May 25 | Closed - Memorial Day |
| June 9 | Women Lawyers Association meeting, Law Library, noon |
| June 12 | Family Law Committee meeting, Law Library, noon |
| June 17 | GTLA board meeting, Law Library, 4:30 pm |
| June 18 | Young Lawyers Bar Night. Contact Corey Wiggins (coreyjjwiggins@aol.com) for more information. |

Heard in the Halls

David Biegenowski was recently appointed to the Grand Traverse County Concealed Weapons Licensing Board by the County Commission.

Aaron K. Bowron recently spoke before the Kalkaska County Board of Commissioners on the topic of implementing a Brownfield Redevelopment Authority in the County.

Matthew C. Connolly recently opened the Law Offices of Matthew C. Connolly, PC at 409 E. 8th Street (near the corner of Boardman Avenue and 8th Street). Matthew's practice areas include criminal law, family law, and general civil litigation. Contact Matthew at 231-932-9277 or connolly_law@hotmail.com.

Smith Haughey Rice & Roegge is pleased to announce that **Ellen A. Fred** has joined the firm as Of Counsel in the firm's Traverse City office. She will focus her practice on land conservation law, tax law, and estate planning. Ellen began her legal career in California, where she most recently served as an attorney for the San Francisco law firm Coblentz, Patch, Duffy & Bass, LLP.



Ellen is licensed to practice in the state courts of Michigan and California. She is a member of the Women Lawyers Association of Michigan, Heart of the Lakes Michigan Model Easement Revision Working Group, and the Land Trust Alliance. In addition, she serves as a member of the Board of Directors for the Hokupa'a School in Kealakekua, Hawaii.

Bob Guyot was reappointed at the 2008 annual meeting of the American Bar Association to the Editorial Board of *The Family Advocate*, a publication distributed to attorneys who practice Family Law.



Jennifer L. Jones has accepted a position as Vice President and Senior Trust Administrator with the Private Financial Group of Huntington Bank. Her primary responsibilities will be the administration of existing high net worth client accounts and the development of new business. She can be reached at 231-922-5651 or jennifer.jones@huntington.com.

Greg Kish of Smith, Haughey, Rice, and Roegge and his wife, Kristen, welcomed baby David Kish on October 31, 2008. David weighed 7 pounds, 7 ounces and is little brother to 3-year-old Amelia Kish.

Dan A. Penning, a partner in the law offices of Wright Penning & Beamer with offices in Suttons Bay and Farmington Hills, has been appointed as a member of the American Agricultural Law Association (AALA), the only national professional organization focusing on the legal needs of the agricultural community. AALA is an independent forum for development of innovative and workable solutions to complex agricultural law problems.

Joseph E. Quandt presented a session at the Michigan Septic Tank Association's 2009 Wastewater Conference in January.

Michael A. Richey has opened a new law practice located at Copper Ridge in Traverse City. He specializes in divorce and civil litigation. He is also "of counsel" to Deneweth, Dugan & Parfitt, P.C. Contact: Michael A. Richey, PLC, 4020 Copper View, Suite 113, Traverse City, MI 49684. Phone: 947-4900, fax: 947-4901, e-mail: mar@richey-law.com, web: www.richey-law.com.

Rachel Roe and **Allen Anderson** were recently interviewed for an article on employment law in the March 2009 edition of the *Traverse City Business News*.

Corey J. Wiggins, an associate with the law firm of Zirnhelt & Bowron, P.L.C., was recently elected to the following positions for 2009: Vice-Chairman of the Wexford County Planning Commission, Secretary of the Charter Township of Haring Planning Commission and Secretary of the Charter Township of Haring Board of Review.



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GTALP Names Boss of the Year and Legal Professional of the Year

By Ruth M. Schaub

Margaret J. Scott, PLS, CLA, was named GTALP Legal Professional of the Year by the Grand Traverse Area Legal Professionals. Ms. Scott, a charter member of GTALP since January 1970, is the first member to be named Legal Professional of the Year twice. Ms. Scott, a paralegal at Sondee, Racine & Doren is considered a mentor and role model to many GTALP members. She was instrumental in drafting and implementing the ALS exam during her term on the NALS Certifying Board. She encourages all members to study for certification and is the first person members turn to with a difficult question about procedures or grammar. Her sage advise and rock solid professionalism serve as an example to all of what it means to be the best of the best in this profession.

The greatest example of her level of professionalism is her love for the practice of law and her unqualified respect for her long-time employer. When her busy litigator employer unexpectedly lost his voice, she lent her voice to him, speaking with clients, attorneys and court staff on his behalf, during a time when staff was "seen, but not heard." She balances multiple office tasks, serving as an office manager, bookkeeper, paralegal and legal secretary, with grace and dignity and her wonderful sense of humor.



Shelley A. Kester was named Boss of the Year by the Grand Traverse Area Legal Professionals. Ms. Kester practices family law, guardianships, criminal law and mediation. She serves on the State Bar Special Committee on Domestic Violence and Criminal Jurisprudence.

Her letter of nomination described her as the type of boss everyone hopes to work with, who cares about her clients as well as her staff, and treats her staff with compassion and respect. Her sense of humor is appreciated as is her continual smile. Ms. Kester began her career in 1992 at Running, Wise, Wilson, Ford & Phillips PLC and in 1997 established the firm Wilson & Kester. Ms. Kester was also named by the *Traverse City Business News* as one of 2007's Top Criminal Lawyers



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Info & Registration at www.CollaborativePracticeMI.org

John W. Sharp Memorial Scholarship

The Grand Traverse Area Legal Professionals will be awarding the John W. Sharp Memorial Scholarship in honor of John Sharp's professionalism and commitment to GTALP and its members. The scholarship will be awarded to a student enrolled in a school of advanced learning majoring in a legal field including legal secretarial, paralegal, pre-law, and law school. Contributions to the John W. Sharp Memorial Scholarship Fund should be made payable to "GTALP", and forwarded to Dorothy Grant, PP, at Smith, Haughey, Rice & Roegge, PO Box 848, Traverse City, Michigan 49685-0848.

Print or Electronic?

The Newsletter Committee is offering GTLA Bar Members the opportunity to "opt out" of receiving a paper version of the newsletter in lieu of an emailed version. This will reduce duplicative newsletter mailings and save the GTLA Bar Association postage. If your preference is to continue receiving the paper version of the newsletter, you need not do anything further; if you do not wish to receive the paper newsletter, please "opt out" by sending an email to gtlab@grandtraverse.org with "opt-out" in the subject line.

WLA Pro Bono Clinics Successful

Deborah Rysso, WLA President

The Women Lawyers Association recently put on a four-part series on local pro bono clinics. Mary Kavanaugh-Gahn of Legal Services of Northern Michigan and Jo Bullis of the Women's Resource Center taught the series, which provided guidance tips to local attorneys interested in participating in the clinics. Covered topics included divorce, child support, child custody, parenting time, and how to handle domestic violence issues.

Area clinics include the following:

- Free Legal Aid Clinic at Third Level Crisis Intervention Center on every Tuesday,
- Women Lawyers Association Clinic at the Women's Resource Center on the first Wednesday of every month except January and July,
- Divorce Clinic at the Women's Resource Center on the second Tuesday of every month except July, and
- Internet Representation Project, which is an online tool developed in part by LSNM for eligible clients to provide pro bono answers to specific questions.

Anyone interested in participating in a clinic should contact Mary Kavanaugh-Gahn is of LSNM at kava-gahn@charterinternet.com



Pictured at left are WLA President, Deborah Rysso, LSNM Deputy Director, Mary Kavanaugh-Gahn, Womens' Resource Center Executive Director, Jo Bullis, and Ellen Kohler

WLA Update

The Women Lawyers Association enjoyed their annual spa night at Salon Verve on March 10th. Plans are underway for a networking night for the entire local bar. The spring dinner is also in the planning stage.

Supreme Court Crawford Retaliation Decision

Lee Hornberger, Arbitrator and Mediator



This article discusses *Crawford v Metropolitan Gov't of Nashville and Davidson Cty*, 555 U.S. ___, 172 L Ed2 650 (2009), concerning retaliation under Title VII of the Civil Rights Act of 1964, 42 USC 2000e-3(a).

Title VII forbids retaliation by employers against employees who report workplace discrimination. The question in *Crawford* was whether this protection extends to an employee who reveals discrimination in answering questions during an employer's internal investigation of another employee's complaint.

In response to employer questioning, the employee provided information concerning discrimination against other employees. Shortly thereafter, the employer discharged the employee. The employee alleged that the discharge was in retaliation for her providing the discrimination information.

The District Court held that answering the employer's questions was not protected activity and dismissed the complaint. The Sixth Circuit affirmed. 211 Fed Appx 373 (6th Cir 2006). This resulted in a split among the Circuits, and the Supreme Court agreed to hear the case on certiorari.

The Supreme Court indicated that when an employee tells about discrimination in response to employer questions it would be almost always in a disapproving sense. "Countless people were known to 'oppose' slavery before Emancipation, or are said to 'oppose' capital punishment today, without writing public letters, taking to the streets, or resisting the government."

According to the Supreme Court, it would be "freakish" for the statute to protect an employee who reports discrimination on her own but not the employee who reports the same discrimination in the same words in response to the employer's questioning. Otherwise "prudent employees would have a good reason to keep quiet about Title VII offenses"

In conclusion, the Court ruled that Title VII prohibits retaliation against an employee who answers questions in an employer internal investigation of alleged discrimination.

Lee Hornberger, Arbitration and Mediation Office of Lee Hornberger, www.leehornberger.com, is Immediate Past President of the Grand Traverse-Leelanau-Antrim Bar Association. He can be contacted at 231-941-0746 and leehornberger@leehornberger.com.

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49th Annual Probate & Estate Planning Institute at the Grand Traverse Resort May 14-16th

Washington insider, Ronald D. Aucutt, will be the featured speaker at this year's Probate & Estate Planning Institute. Aucutt will explain where Congress and the President are headed with the federal estate tax and how estate planners should respond. Also featured are two new in-depth tracks on real estate and the Michigan Trust Code. Local attorney, John A. Scott, will be moderating the real estate sessions and presenting a program on "Effective Estate Planning for Time Shares." The institute is co-sponsored by ICLE and the Probate & Estate Planning Section of the State Bar of Michigan

Traverse City to Mysore and Back

By TJ Andrews



I started to practice yoga the same month I started to practice law. For over six years, I continued to practice both: on the law side, primarily environmental and land use

litigation; on the yoga side, primarily Ashtanga, a strong energetic practice. But a couple of months ago, I took a sabbatical from practicing law to go to India and focus on yoga.

Ashtanga is an ancient form of yoga, which was brought to the west by Sri Pattabhi Jois. Jois, who is now 93, passed it on to his grandson, Sharath, who teaches at Jois' shala



(school) in Mysore, a city in southern India. Like many Ashtanga students, I have long wanted to make the Mysore pilgrimage, so when I could this past winter, I did.

For three months, I shared an apartment near the shala with two other women from Traverse City. Every morning, starting between 4 and 6am, I walked the three blocks to the shala and joined about 200 students from around the world for the daily practice, a routine of asanas (postures) repeated in the same sequence every day. The daily yoga practice did not give me pretzel-like flexibility, nor visions

of self-realization and inner peace, but it did teach the challenge and value of quieting the mind, and an opportunity towards that goal.

After the daily practice, the rest of the day was mine to explore all things Indian (though I was often in bed by 8pm, anticipating the 3am alarm). I also had the chance to travel around India by myself over the Christmas-New Year's holiday while the shala was closed and with my mother at the end of the trip before returning to Michigan.

India is an amazing and very foreign country, and my experience there was personally profound. A few observations and generalizations: Most places I went in India were dirty, loud, and crowded; but always friendly and safe. I have never seen such poverty as I saw every day in India. I have also never experienced such an abundance of beautiful fresh produce and unbelievably delicious food. On the way to the Taj Mahal — a gemstone-inlaid marble palace housing a tomb, I passed shacks with walls made out of trash and used saris housing whole families. I experienced maddening bureaucracy (mailing a package was a multi-day event), and also extreme efficiency (the railway system transports nearly 20 million passenger across thousands of miles every day). I retraced Ghandi's last footsteps, and I read the daily post-26/11 (November the 26th, the date of the Mumbai attacks) media rampages stirring the already rabid anti-Pakistani sentiments. I sought out (and found) wild tigers and elephants in their native habitats, but avoided interactions with the camels, elephants, monkeys and cows (many, many cows) wandering the streets and sidewalks, and even inside my apartment (just monkeys inside the apartment, but still!) I loved being in India every day I was there. And then I loved coming back to northern Michigan.





The Grand Traverse-Leelanau-Antrim Bar Association receives numerous requests from local organizations seeking volunteer or monetary assistance. In the case of those organizations seeking funds, many do not meet the association's charitable giving requirement of furthering the understanding of the law. We do, however, feel these organizations may be of interest to our members seeking local organizations to support. From time to time, we will be featuring one of those organizations in our new column, "Community Corner."

We would also like to hear from you if you are active in a local volunteer organization. Please feel free to contact newsletter editors Aaron Bowron (legaloil@aol.com) or Deborah Rysso (dryssor@rizzolaw-online.com) regarding any articles and/or pictures you might wish to contribute.

Our featured organization for this issue is Traverse City West High School's Titan Excellence Fund. According to their website:

"The Titan Excellence Fund is currently a temporary fund at the Grand Traverse Regional Community Foundation, but we are working to raise \$25,000 in order to allow the Titan Excellence Fund to become a permanent endowment.

The Titan Excellence Fund will be one of a handful of endowments for public high schools in Michigan to support the "extras" not covered by public funding, but that are important to ensuring students receive a well-rounded, complete education.

The goal of the Titan Excellence Fund will be to enhance the educational experience of current and future generations of Titans, through support for classroom and extra-curricular programs and activities.

By establishing an endowment at the \$25,000 level, we anticipate that approximately \$1,200 could be available annually for grants to support various programs or purchase supplies across the academic and extra-curricular aspects of the school. Grants will be awarded through a small grant process, with Traverse City West faculty and students eligible to apply.

An advisory committee composed of teachers, community members, and students will review grant applications and make recommendations to the Community Foundation Board. We believe it is important to involve these constituencies in the grant process because it will continue to foster the ideals of philanthropy and community involvement even after the conclusion of the campaign."



For further information, contact Nick Glauch, Director of Development, Campaign for the Titan Excellence Fund nick@titanexcellencefund.org, (734) 709-7235.

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The **Young Lawyers** of the GTLA Bar Association are holding dutch treat "Bar Nights" every third Thursday of the month at locations to be announced. Please feel free to contact Corey Wiggins, YLA Chairman, at (231) 946-8630 or coreyjwiggins@aol.com for details.

State of Michigan



Thirteenth Judicial Circuit

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COUNTIES
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COURT ADMINISTRATOR

MEMORANDUM

To: Grand Traverse, Leelanau, Antrim Bar Association,
Counsel of Record and Staff

From: Hon. Philip E. Rodgers, Jr., Chief Circuit Court Judge
Hon. Thomas G. Power

Date: March 18, 2009

Subject: Wireless Guest Access at the Historic Courthouse

Recently we advised you of available conference space in the Historic Courthouse and of our efforts to make the building wireless to accommodate your business needs for computer usage within the building. The hardware is in place and we have created a wireless guest access network. If you wish to access this network while in the Courthouse, it will be necessary to complete the attached Wireless Guest Access Policy form and return it to the Court. The County's IT Department will then assign you an ID and password. Passwords are not to be shared and the wireless guest network is to be used strictly for business purposes.

Grand Traverse County has an outstanding IT Department who work diligently to maintain the County's network and limit its exposure to internal or external damage. We support these efforts and have adopted the County's Wireless Guest Access policy. If you have any questions regarding it, please contact us at your convenience. Once you begin using the network, please feel free to advise us of any problems or suggestions for improvement.

PER/TGP:JAA
Attachment

Wireless Guest Access Policy

1.0 Purpose

The purpose of this policy is to define acceptable use when connecting to Grand Traverse County's wireless guest network. These standards are designed to minimize the potential exposure to Grand Traverse County from damages which may result from unauthorized use of Grand Traverse County resources. Damages include the loss of sensitive or company confidential data, intellectual property, damage to public image, damage to critical Grand Traverse County internal systems, etc.

2.0 Scope

This policy applies to anyone enrolled on the wireless guest network.

3.0 Policy

3.1 General

1. The wireless guest network provides access to the Internet. It does not provide access to internal resources located on the Grand Traverse County network.
2. The wireless guest network is not a secure network. Wireless users are encouraged to activate firewall software, stay current on operating system updates, and utilize up to date antivirus software.
3. The wireless guest network is identified as "guest" and requires a user id and password for access.
4. The County reserves the right to monitor activities on the wireless guest network.

3.2 Defined Use

1. The wireless guest network is provided as a convenience and is intended to provide Internet access to individuals to support their relationship with the County/City.

3.3 Violations

1. Use for any purpose that violates a law of the United States or a law of the State of Michigan.
2. Use or access for the intentional display or distribution of files containing obscenity, profanity, or pornography.
3. Use which violates the security, privacy, and confidentiality policies, practices and laws of the State of Michigan including unauthorized release of confidential material.
4. Sharing of the user ID and password with anyone.
5. Any attempt to use a cable and directly connect to the County's network through a wiring jack.
6. Knowingly access or attempt to access restricted portions of the network, operating system, security software, or other applications for which authorization has not been granted.
7. Using the Internet to listen to the radio, watch movies/video clips, etc. that may cause the network bandwidth to be over-taxed, unless it is specifically business related content.

4.0 Enforcement

1. Any wireless guest user found to have violated this policy will have their access revoked immediately.
2. Any suspected illegal activity while using the wireless guest network will be reported to the appropriate authorities.

I understand and accept the provisions of the wireless guest access policy.

Signature:
Printed Name:
Company:
Address:
City/State/Zip:
Phone number:
Email address:
Date:

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