



Oakland County Legal News

www.oaklandlegalnews.com

Serving the Oakland County Legal Community Since 1927

Volume 80, Number 82

Troy, Michigan

Tuesday, October 30, 2007, ONE DOLLAR

SHORT TAKES

Art exhibition pays tribute to talents of drug court participants

Seven Oakland County juvenile drug court youth between the ages of 14 and 17 participated in an eight-week summer "Art Through Photography" program, which was led by an art therapy masters candidate from Wayne State University. The youth, chosen because they had expressed an interest in art or photography, were given disposable cameras and specific weekly assignments designed to promote various artistic and photographic skills as well as social skills.

The program is culminating in an art exhibit and sales titled, "Learning to Focus," at the Susanne Hilberry Gallery in Ferndale on Monday, November 5, from 5:30 to 8:30 p.m. The youth selected the photographs that will be exhibited. With the solid response from the youth, organizers hope to continue and expand the program.

The drug court program, known as OPTIONS (an acronym for Owning the Problem, Trusting In Our New Skills), is Oakland's intervention program for youth who are having trouble staying clean and sober. Operating within the Family Division of the Oakland County Circuit Court, it is now in its sixth year and has served more than 150 youth and families. Juveniles heading down a path of self-destruction and crime are given the opportunity to turn their lives around by participating in the program as an alternative to the traditional trial system. Juveniles who are referred receive intensive court supervision, substance abuse and mental health treatment, frequent substance abuse testing, and a long-term commitment by the youth and parents to program requirements. Graduation will occur upon the successful completion of the four-phase program.

Oakland County Circuit Court Judge Edward Sosnick, Juvenile Drug Court Judge, commented, "Anyone who believes in second chances and that young people can turn their lives around should attend this event. In a time of such sorrow, it will bring joy to your heart."

State Bar seminar offers 'tips and tools for a successful practice'

The State Bar of Michigan will present a day-long seminar for lawyers looking to strengthen and streamline their legal practices. The "Tips and Tools for a Successful Practice" workshop will take place on Wednesday, November 7, from 8:30 a.m. to 4 p.m. at the Oakland County Bar Association offices in Bloomfield Hills.

Event highlights include presentations on maintaining mutually beneficial client relationships, drafting fee agreements, managing trust and business accounts, and law office management.

Speakers scheduled to appear are experienced leaders in their fields of practice and include attorneys in private practice, law office management consultants, and lawyers from a variety of agencies.

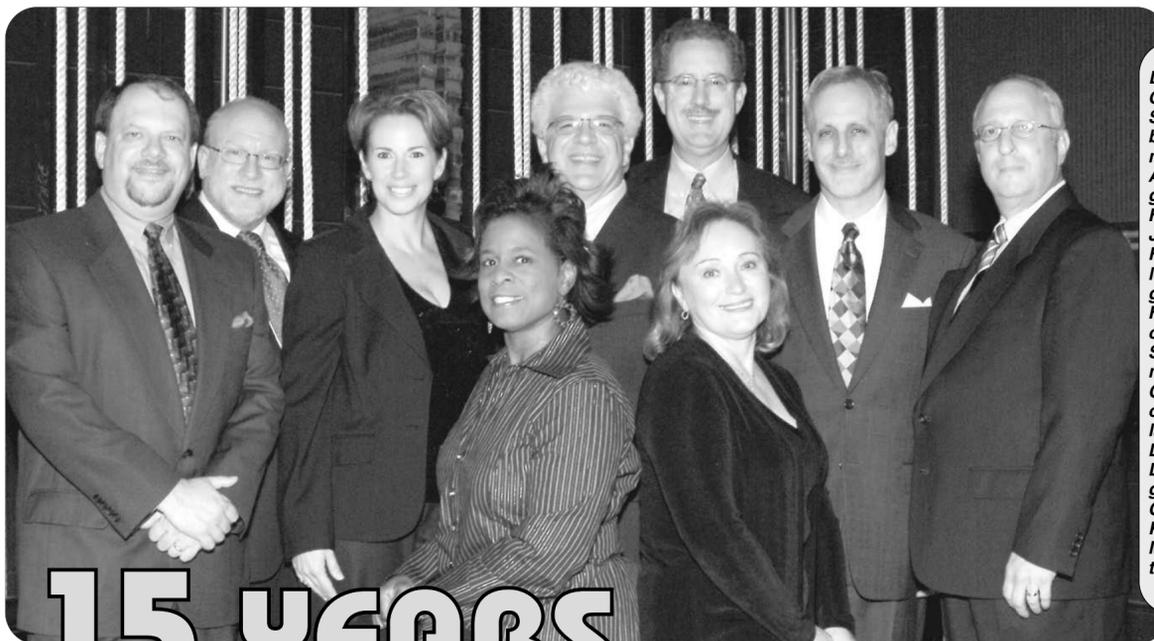
The cost to attend the seminar is \$75, and registration and payment must be received by Wednesday, October 31.

A registration form in PDF format can be downloaded from the State Bar of Michigan Web site at www.michbar.org/pmpc/pdfs/seminars.pdf. Those interested in reserving a spot can sign up online at <http://e.michbar.org>, fax the completed registration form to the State Bar at (517) 346-6365, or mail the form with a check or credit card payment to: ATTN: Tips and Tools for a Successful Practice Workshop, State Bar of Michigan, 306 Townsend Street, Lansing, 48933-2012.

For additional information on the workshop, contact Karen Spohn in the State Bar of Michigan Professional Standards Division at (517) 346-6309 or via e-mail at kspohn@mail.michbar.org.

MORE INSIDE

- Calendar.....2
- Classified Ads.....2
- Commencements.....6
- Legal Notices.....7
- Mortgages.....3
- Tax Liens.....6



A (HABEAS) CHORUS LINE performed on Saturday, October 6, at Berkley High School. Gathering backstage before their entrance are members (seated, left to right) Angela R..C. Williams, deputy general counsel of the Detroit Housing Commission, and Judy Zorn of The Zorn Law Firm; along with (standing, left to right) Mark R. Lezotte, general counsel of Oakwood Health System; Brian D. Figot of Stephen M. Landau P.C.; Sara F. Fischer, a former case manager in the U.S. District Court for the Eastern District of Michigan; Joseph M. LaBella of Kitch, Drutchas, Wagner, DeNardis, & Valitutti; James D. Robb, associate dean and general counsel of Thomas M. Cooley Law School; Justin D. Klimko of Butzel Long; and Michael C. Leibson, an assistant U.S. attorney. Photo by John Meiu

15 YEARS

A (Habeas) Chorus Line enjoys performing together

By CHRISTINE L. MOBLEY
Legal News

What was supposed to be a one-night stand developed into something much more substantial for eight attorneys and a former case manager.

Originally, back in 1992, seven of the nine members comprising "A (Habeas) Chorus Line" (AHCL) joined together for what was to be a one-time engagement for the Detroit chapter of the Federal Bar Association. It developed into much more — after adding two more members to the group AHCL is now celebrating 15 years as a musical parody troupe having begun its 16th season.

The legal eagles that make up AHCL are Brian D. Figot of Stephen M. Landau P.C.; Sara F. Fischer, a former case manager in the United States District Court for the Eastern District of Michigan; Justin G. Klimko of Butzel Long; Michael C. Leibson, an assistant U.S. attorney; Joseph M. LaBella of Kitch, Drutchas, Wagner, DeNardis, & Valitutti; Mark R. Lezotte, general counsel of Oakwood Healthcare System; James D. Robb, associate dean and general counsel of Thomas M. Cooley Law School; Angela R.C. Williams, deputy general counsel of the Detroit Housing Commission; and Judy Zorn of The Zorn Law Firm P.L.C.

"At the time we got started, the Broadway show 'A Chorus Line' was still running in its original incarnation," Klimko explained. "When we were first put together we thought it was for a single show so it was the name of the show and not the name of the group."

"When the group did continue we said, 'Let's just use that as the name of our group.'"

With songs that include titles such as "Iraq Around the Clock," "Mr. Saddam," "See Ya Later, Litigator," "I Got Ebay," and other parodies of existing songs and original numbers — one may wonder where the inspiration for AHCL's performances come from.

"Our material is sort of a mix of current events and political things, but also a lot of social type issues and things like that so some of our material is very time sensitive and gets stale really quickly and some of our material has a much longer shelf-life," Klimko, lyricist for the troupe, said.

According to their Web site, "From local issues to national and international events, from judges to lawyers to politicians to celebrities, ACHL is an equal-opportunity lapooner."

The camaraderie among the players translates into their performances. Over the last 15 years, AHCL has performed at various venues throughout Michigan and around the country.

"It's wonderful to watch the skill and success of the group

evolve over time," Robb said. "Sometimes the audiences who haven't seen us don't know what to expect...They're seeing a different side of lawyers that they don't expect. I think they enjoy that and they see that it's a creative outlet for us."

The only non-lawyer in the troupe, Sara F. Fischer, worked for U.S. District Judge Gerald E. Rosen, Eastern District of Michigan for 15 years before being offered an early retirement in 2004.

"It drives my co-habesans nuts because I'm the youngest member of the group and the first to retire," Fischer said.

"When people ask me about working with these legal-minded people for so many years I tell them that, in my experience, being in AHCL is probably the most fun anyone could ever have hanging around with eight lawyers."

The troupe has produced three CDs which are "Electile Dysfunction," "Parody This!," and "Caught In The Act! Live!" The CDs are available through their Web site, www.habeaschorus.com, for \$10 each plus tax and shipping and handling. Selections from the CDs may be heard on the Web site.

A (Habeas) Chorus Line's next public performance will be a fund-raiser for Maire School on Saturday, January 26, 2008 at 7 p.m. at Parcels Middle School, 20600 Mack Ave., in Grosse Pointe Woods.

"If you get a chance you should come see us," Klimko said. "It's not what you'd expect and you'll walk out laughing."

'State of the Law' discussed



THE OAKLAND COUNTY BAR ASSOCIATION (OCBA) continued its Fundamentals of Juvenile Law — Year I brown bag lunch lecture series with a presentation by Ryan J. Deel (center), staff attorney to Oakland County Circuit Court Judge Linda S. Hallmark. Deel spoke about "The State of the Law" on Thursday, October 11, at the OCBA Center in Bloomfield Hills. Participating in the lunch event were Amy Allen of CARE House (left); and Melinda N. Deel of Deel & Deel P.L.L.C. (right). Photo by John Meiu



FROM THE JUDGE'S CHAMBERS

by Judge William C. Whitbeck

Life as it's lived

Consider the following two statements:
"As for the matter of my judicial philosophy, I didn't have one and didn't want one. A philosophy that is imposed from without instead of arising organically from day-to-day engagement with the law isn't worth having. Such a philosophy runs the risk of becoming an ideology and I'd spent much of my adult life shying away from abstract theories that served only to obscure the reality of life as it's lived."

"If judicial decision-making discloses a sharp divide along philosophical lines, so be it. . . . Should a judge or justice violate his or her oath to uphold the Constitution and laws of the United States and Michigan to avoid a possible public perception? Nonsense."

Both of these statements were made recently by judges, one in the federal and one in the state system. On the surface, they appear to reflect diametrically opposing viewpoints. On the one hand, we have a judge who suggests that one should check one's philosophical preferences at the door when engaging in the judicial decision-making process. On the other hand, we have a judge who celebrates such philosophical differences and implies that deviating from them is a violation of a judge's oath of office. Who is right?

Like most things in life, there is no simple answer. The threshold problem is definitional. A rudimentary judicial "philosophy" might be that criminal defendants always lose and insurance companies always win . . . or that plaintiffs asserting negligence always win and prosecutors always lose. Either way, this is not a philosophy at all. By focusing only on results, such an approach turns the judicial decision-making process on its head. A judge following a result-oriented judicial philosophy will often, if not always, twist the law to achieve the desired and pre-ordained outcome. The word for this is bias.

Fortunately, we rarely see judges espousing and following a judicial philosophy based upon bias. As fortunately, at the other end of the spectrum there is a judicial philosophy that concentrates on the process of reaching a decision rather than on the result. Such a philosophy relies on the plain meaning of language, gives considerable deference to the other branches of government, prefers narrow over broad rulings, and exercises great caution in overruling existing precedent. Under such a philosophy, the result is almost incidental. It is how one gets to the result that is important. (See JUDGE'S CHAMBERS, Page Two)

'Crippling the Constitution's Checks and Balances' examined

By ROBERTA M. GUBBINS
Legal News

"Today's lecture focuses on an issue of supreme importance, constitutional checks and balances," said Bruce Fein, beginning his speech "Crippling the Constitution's Checks and Balances." Fein was guest lecturer at the Krinock Lecture sponsored by Thomas M. Cooley Law School and the Krinock Lecture Committee. The event was held on October 2, at Cooley in Lansing. Professor Elliot Glicksman introduced

Fein, a graduate of Harvard Law School. Fein held a federal judicial clerkship, served as assistant director of the Office of Legal Policy for the U.S. Department of Justice, and was appointed general counsel of the Federal Communications Commission. He recently served on the American Bar Association's Task Force on Presidential signing statements.

"The Constitution with its checks and balances and separation of powers is the scientific method for preserving our freedoms and for preventing government foolishness," said Fein. "The founding fathers built the system

based on the understanding that every occupant of public office is not infallible—that unchecked power invariably led to abuses. That is why they combined blurred powers among the three branches so that one could not be supreme in the exercise of its authorities without any review by any other branch of government.

"That is why checks and balances is the antonym...of the unitarian government which has been celebrated by Bush and his advocates as justification for all their claims post 9-11 to rule unilaterally.

"Checks and balances," he continued, "blends powers rather than separates them. It blends them for the purpose of insuring some oversight of the decisions of other branches. It is an executive power to gather foreign intelligence yet Congress enjoys the authority to regulate the gathering of foreign intelligence to protect rights of privacy."

Fein discussed the "necessary and proper" clause that gives "...Congress the power to regulate any power entrusted..." to the executive or judicial branch of government to avoid abuse. (See CHECKS & BALANCES, Page Two)