

October Notes N' News

2015

Dues

Dues statements have been mailed. Please return the statement with remittance or renew online at <http://cart.gcbalaw.org/memberships>.

Foundation Dues Donations

Thank you to **Sherri L. Belknap; John A. Blanchard; George F. Brueck; Robert M. Chimovitz; Ernest I. Gifford; Clifford H. Hart; Edwin W. Jakeway; J. David Karr; Matthew D. Karr; Thomas P. McKenney; Eric J. Mead; Hon. Allen J. Nelson; Philip J. Olson II; Suellen J. Parker; John N. Pavlis; Jeremy R.M. Piper; Samuel A. Ragnone; Richard J. Ruhala; Michael R. Stanley; Earl G. Swain; Robin L. Wheaton; Roberta J. F. Wray** for their dues donations.

Welcome New Members

Welcome to our newest members **Marianne Marconnay** and **Joan Morgan**.

Case Evaluation Late Fee Donations

Thank you to **Jeffery Zilinski** and **Robert MacDonald** for donating their Case Evaluation late fees, which are placed in a restricted building account.

Got a Hobby?



Got a hobby? If so, send some pictures of you engaging in your favorite hobby and we will share them. Email the pictures to gcba@gcbalaw.org. and include a short description.

GCBA Senior Attorneys

The GCBA Senior attorneys will meet on October 8th, November 12th, and December 10th at the Valley Family Restaurant located on the southwest corner of Miller and Linden roads. A luncheon is available from the menu and may be ordered and paid for individually. *All attorneys and their guests are welcome, regardless of age.*

Calendar of Events

See attached flyers for more information



October 15th: Young Lawyers Lunch N' Learn.

October 19th: October Membership Meeting.

October 21st: Mastering Criminal Defense

October 30th: Clean Slate Clinic.

November 16th: November Membership Meeting featuring Justice Richard Bernstein.

November 21st: Barristers' Ball.

December 17th: 25th Annual Community Holiday Dinner.

February 5th: Bankruptcy Seminar.



Are You Yarning to Help?

Knitters, Crocheters and Yarn Donors Needed



The new knitting season is underway. Thank you to those who have already begun knitting and crocheting hats and scarfs for our upcoming 2015 Holiday Dinner. Your work is greatly appreciated and we welcome anyone who would like to continue knitting and crocheting for this worthy cause. Donations of yarn are needed as well. Anyone who is willing to help – lawyers, staff, family members, or friends, just call the GCBA office to see what material is available that you can use for your handiwork. Contact Linda Pohly at 810-733-7480, for patterns and project ideas.



Save the Date

GCBA Annual Criminal Law Seminar

May 19 - 20, 2016



Congratulations to the following GCBA Members who were recognized in *Super Lawyers Magazine* for Michigan in 2015:

Michael J. Behm

Jose T. Brown

Audrey J. Forbush

Gregory T. Gibbs

Walter P. Griffin

John J. Kalo

Glen N. Lenhoff

J. Brian MacDonald

Robert J. MacDonald

Frank J. Manley

Michael P. Manley

Charles R. McKone

Tom R. Pabst

Thomas W. Waun

Kendall B. Williams

Dean T. Yeotis

Congratulations to the following GCBA Members who were recognized in *Super Lawyers Magazine* as Rising Starts in Michigan for 2015:

Jarrett Pabst

R. Paul Vance



Young Lawyers Lunch N' Learn



on

Beyond the Report: Dissecting a Police Report

featuring:

Richard Hetherington,
Christenson & Fiederlein, P.C.

12 noon • October 15, 2015

CUSTOMER INFORMATION: *Please print legibly*

Name: _____

Phone #: _____

Email: _____

Payment Information: Checks payable to the GCBA

☐ Check # _____ ☐ Amount \$ _____

Credit card information:

☐ Visa ☐ MasterCard ☐ American Express Charge my credit card for \$ _____

Credit Card Account #: _____ Exp. date: _____

Last 3#'s on back of card: _____

Name as appears on card: _____

Billing address for card: _____

**Reservations are absolutely
required!**

Registration Fees:

- ☐ GCBA Member - \$5
- ☐ Non-member - \$10
- ☐ Unpaid no-shows - \$10

Thanks to the GCBF MacGregor Fund
for underwriting some of the costs
related to the luncheon.



Mail: 315 E. Court St. • Flint, MI 48502. Fax: to (810) 232-8310. On-line: register at www.gcbalaw.org.



Sports Selfie Contest

The Big Game (Michigan v Michigan State) is Saturday, October 17th. Take a selfie wearing your team attire. Email your selfie to gcba@gcbalaw.org between Friday, October 16th and Sunday, October 18th at midnight. All selfies will be uploaded to our Facebook page on Monday, October 19th. Get your friends to "like" the photo. The member with the most "likes" on October 21st at



<https://www.facebook.com/pages/Genesee-County-Bar-Association/142757561178>



Monthly Membership Meetings

Presented by
Genesee County Bar Association



featuring
David S. Leyton
Genesee County Prosecutor

October 19, 2015 • 12 noon

Masonic Temple • 755 S. Saginaw St. • Flint, MI 48502

CUSTOMER INFORMATION: *Please print legibly*

Name: _____

Phone #: _____

Email: _____

Payment Information: Checks payable to the GCBA

☐ Check # _____ ☐ Amount \$ _____

Credit card information:

☐ Visa ☐ MasterCard ☐ American Express Charge my credit card for \$ _____

Credit Card Account #: _____ Exp. date: _____

Last 3#'s on back of card: _____

Name as appears on card: _____

Billing address for card: _____

Registration Fees:

- ☐ Sustaining Member - Free
- ☐ GCBA Member - \$10
- ☐ Non-member - \$15
- ☐ Walk-ins - \$15
- ☐ Unpaid no-shows - \$15

Cancellation Policy:

No refunds for cancellations
the day of the luncheon.



Mail: 315 E. Court St. • Flint, MI 48502. Fax: to (810) 232-8310. On-line: register at www.gcbalaw.org.



Join or renew at the event and get a special welcome package*



FREE

Cheese or Pepperoni
Take N Bake Pizza
16" #229575, 495359
Value \$6.99 - \$7.99



FREE

Rotisserie Chicken
2.75 lb. #66846, 613956
Value \$4.98



\$3 OFF

You pay \$1.98

Member's Mark® Purified Water
40 pack 16.9 fl. oz. each #561914
Everyday Price \$3.98



\$4 OFF

Red Seedless Grapes
3 lb. #72553
Check club for low member price

Members-only savings

Top-quality brands

Get members-only pricing
on brands you trust - from
everyday essentials to
unexpected finds.

Instant Savings**

Enjoy more than \$120 in
savings for the first 30 days
when you join or renew and
receive additional savings
throughout the year.

Cash Rewards†

Sam's Plus™ Members
earn \$10 in Cash Rewards
for every \$500 spent
in-club and online
(select exclusions apply).†

Event Details

Monday, October 19, 2015

12:00pm - 1:30pm

Masonic Temple, 755 S. Saginaw St. Flint MI 48501

* Event must take place on or before January 31, 2016, to qualify for this offer. Welcome package loads to your account within 14 days. This offer is only available for new sign-ups or members who renew at the membership event and shall not be issued by associates in-club. Individual offers can be redeemed one time only. Limited availability. No substitutions or rain checks. No cash value. Welcome package includes one free Rotisserie Chicken, one free 16" Take N Bake Cheese or Pepperoni Pizza, \$3 off one 40 pack of Member's Mark Purified Water and \$4 off one 3 lb. Red Seedless Grapes. All terms and conditions apply. Special savings offers are Instant Savings items and are subject to availability and dates. Select Instant Savings are available online and for Club Pickup purchases. State and local laws may require sales tax to be charged on the pre-discounted price of an item. No money shall be returned to the member if the price of the item falls below zero after applying the Instant Savings discount. To view your Instant Savings account, visit SamsClub.com/instantoffer or download the Sam's Club app. Member must have a registered email on SamsClub.com in order to access the Instant Savings account page online. Visit SamsClub.com/instantoffer for program details and terms and conditions. Instant Savings may take up to 24 hours to load to a membership account and are available in U.S. clubs, excluding Puerto Rico. Offers valid 30 days from date of new members sign-up or renewal. Offers may take up to 24 hours to load to a membership account.

** All terms and conditions apply. Special savings offers are Instant Savings items and are subject to availability and dates. Select Instant Savings are available online and for Club Pickup purchases. State and local laws may require sales tax to be charged on the pre-discounted price of an item. No money shall be returned to the member if the price of the item falls below zero after applying the Instant Savings discount. To view your Instant Savings account, visit SamsClub.com/instantoffer or download the Sam's Club app. Member must have a registered email on SamsClub.com in order to access the Instant Savings account page online. Visit SamsClub.com/instantoffer for program details and terms and conditions. Instant Savings may take up to 24 hours to load to a membership account and are available in U.S. clubs, excluding Puerto Rico. Offers valid 30 days from date of new members sign-up or renewal. Offers may take up to 24 hours to load to a membership account. Join or renew by January 31, 2016, to receive the \$120 in savings.

† Cash Rewards are only available for Sam's Plus Members. Sam's Plus Members earn \$10 in Cash Rewards for every \$500 in qualifying pre-tax purchases with a maximum reward of \$500 per 12-month membership period. Cash Rewards are awarded annually and loaded on to the membership card for use in-club, on SamsClub.com or redeemable for cash. A member can accumulate a Maximum Balance of \$2,000 in earned Cash Rewards on a membership card, at which point accrual of Cash Rewards stops until the Maximum Balance is reduced. Cash Rewards are not earned for purchases made during the time of Maximum Balance. Only the primary or complimentary cardholders on a membership account may access and redeem the Cash Rewards loaded on the membership account. Restrictions apply. Visit SamsClub.com/cashrewards for program details and terms and conditions.

Sam's Club® Advertised Merchandise Policy - It is our firm intention to have every advertised item in stock. Occasionally, however, an advertised item may not be available for purchase due to unforeseen difficulties. We reserve the right to limit quantities to normal retail purchases or one-per-member or household, and to exclude resellers. We have done our best to ensure all information in this piece is accurate and up-to-date. Errors and omissions occasionally occur and are subject to correction. Pricing and item availability may vary by location and in Alaska, Hawaii, Oklahoma, Puerto Rico, Wisconsin and on SamsClub.com.

Mastering Criminal Defense:

How to Prep a Witness for Trial

This group, presented by the GCBA Criminal Law Committee, will be held once a month and will provide information covering all aspects of criminal defense. This group is open to all attorneys who practice criminal defense.

Wednesday, October 21, 2015
12 noon - 1: 30 p.m.
at
Genesee County Bar Association
315 E. Court St. • Flint, MI 48502

Limited seating! Register now!
Lunch provided!

Thanks to the GCBF MacGregor Fund for underwriting some of the costs related to the luncheon.

CUSTOMER INFORMATION: *Please print legibly*

Name: _____

Phone #: _____

Email: _____



Mail: 315 E. Court St. • Flint, MI 48502. Fax: to (810) 232-8310. On-line: register at www.gcbalaw.org.



The State Bar of Michigan's Domestic Violence Committee to Offer Free Pro Bono Training

The State Bar of Michigan's Domestic Violence Committee and Pro Bono Initiative are offering an in-person training from 1-5 p.m. on Friday, Oct. 23, 2015, at the Auburn Hills campus of WMU Cooley Law School, with a simultaneous broadcast to WMU Cooley's campuses in Lansing and Grand Rapids. The event is free of charge with the commitment to accept a pro bono family law case within six months of the training.

The training will be provided by attorneys with many years of hands-on family law experience and will cover trauma-informed practice, substantive legal issues, pleadings, and pretrial and trial practices as they relate to family law cases with domestic violence components. This training is excellent for attorneys who are new to the area of family law and domestic violence, or experienced attorneys looking for a refresher course.

For more information, contact Robert Mathis (517)346-6412 or RMathis@mail.michbar.org.

Registration: <http://www.michbar.org/programs/atj/home>

CLEAN SLATE CLINIC

Hosted by The Genesee County Bar Association with Legal Services of Eastern Michigan

In honor of **Pro Bono Month**, the GCBA and the Legal Aid Committee plan to hold a Clean Slate Clinic on **October 30th**. Other Bar Associations and the Flint Police Department have done successful variations of this concept in the past.

For the **2015 Clean Slate Clinic**, we envision morning and afternoon sessions where clients could have a short appointment with volunteer attorneys. Attorneys would assist walk-in clients by providing a packet of information and advice regarding how to qualify and apply for an expungement. For prescreened clients, attorneys would assist with the completion of the expungement application and other paperwork.

The clinic will take place at the **Flint Farmers' Market at 300 East 1st Street, Flint, MI 48502**. Legal Services of Eastern Michigan will provide assistance by prescreening clients who schedule an appointment ahead of time.

LSEM staff and GCBA volunteers could hold 20-30 minute client advice appointments in a 2 hour session running from **10 a.m. to 12 p.m. or 12 p.m. to 2 p.m.** on October 30, 2015. GCBA volunteers could participate in either, or both, the morning or afternoon session.

If you are willing to **volunteer** or would like more information/materials on the set aside process, please call or email Meghan Barone, Pro Bono Coordinator for LSEM, by October 23rd at: (800) 322-4512 x 115 or mbarone@lsem-mi.org.

Legal Services of Eastern Michigan

436 S. Saginaw St.
Ste. 101
Flint, MI 48502

Phone: 800-322-4512
Fax: 810-234-9039



"A GREAT GATSBY AFFAIR"

The GCBA proudly presents its 1st Annual Barristers' Ball, *"A Great Gatsby Affair"* on Saturday, November 21, 2015 with proceeds to the YWCA Domestic Violence Safe House and GCBA general fund. This black tie event filled with champagne, a strolling dinner, dancing and camaraderie is sure to be a memorable evening for all. We hope you will consider participating by electing to sponsor at one of the levels below. Every Sponsor will be recognized in the GCBA Bar Beat, the GCBA Notes N' News, and will be displayed at the event. Further recognition depends upon your sponsorship level.

We look forward to seeing you there old sports!

THE GREAT GATSBY SPONSOR \$5,000.00

- Your name prominently displayed at the event, 15 tickets to the event, and the back outside cover advertisement space of the event program. Recognition in the GCBA Bar Beat and the GCBA Notes N' News.

PLATINUM SPONSORS \$2,500.00

- Cocktail Sponsor – A signature cocktail named in your honor, 10 tickets to the event, and the inside cover advertisement space of the event program. Recognition in the GCBA Bar Beat and the GCBA Notes N' News.
- Dessert Sponsor – A signature dessert named in your honor, 10 tickets to the event, and the inside cover advertisement space of the event program. Recognition in the GCBA Bar Beat and the GCBA Notes N' News.

GOLD SPONSOR \$1,000.00

- 4 tickets to the event, a full page advertisement in the event program, recognition in the GCBA Bar Beat and the GCBA Notes N' News, and your name displayed at the event.

SILVER SPONSOR \$500.00

- 2 tickets to the event, a 1/2 page advertisement in the event program, recognition in the GCBA Bar Beat and the GCBA Notes N' News, and your name displayed at the event.

BRONZE SPONSOR \$250.00

- 1 ticket to the event, a 1/4 page advertisement in the event program, recognition in the GCBA Bar Beat and the GCBA Notes N' News, and your name displayed at the event.

"Let us learn to show our friendship for a man when he is alive and not after he is dead."

— F. Scott Fitzgerald, *The Great Gatsby*

Barristers' Ball Sponsorship Form

_____ Yes I will be a Barristers' Ball Sponsor!

Sponsorship Level: _____

Sponsorship Amount: _____

_____ Sorry, I cannot be a Sponsor at this time but enclosed is my

Donation of \$ _____

Please list my company/name as: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Payment Methods (Please circle one)

Cash Check Visa Mastercard AmEx

Name on card: _____

Credit Card Number: _____ Exp. Date: _____

Billing Address if different from above: _____

City: _____ State: _____ Zip: _____



Any questions please contact GCEA at (810) 232-6000

Forms may be faxed to (810) 232-8810

815 E. Court St., Flint MI 48502



GCBA & GCBF



2015 COMMUNITY HOLIDAY DINNER

Thursday, December 17, 2015 from 4:00 ~ 7:00 p.m.
Masonic Temple, Downtown Flint

DONOR FORM:

Donations are needed to support this program, which are used exclusively to purchase items for the dinner.
Categories of giving:

Santa's Helper	\$250	pays for 50 toys for 50 children
Santa's Elf	\$150	pays for 150 children's pictures with Santa
Santa's Chef	\$100	pays for a meal for 25 guests
Santa's Reindeer	\$1-\$99 every \$5	pays for a child's toy

Enclosed is a check for \$_____ made payable and sent to:

Genesee County Bar Foundation, 315 E. Court St., Flint, MI 48502. Your gift is tax deductible to the fullest extent allowed by law. As required by relevant Federal Statute we hereby confirm that we did not provide any goods or services in exchange for your gift.

GIFT WRAPPING PARTY:

We will have a gift wrapping party on Monday, December 7, 2015, at the GCBA/GCBF office. Pizza will be served. Please join us! 4 p.m. - until completed _____

VOLUNTEER FORM:

Thursday, December 17, 2015

Please arrive at least 15 minutes before your shift
Children 12 & older welcome with a parent

1:30-3:30 p.m.	Decorations/Set up	_____	
3:30-5:30 p.m.	First Shift	_____	Assignments will be made upon arrival
5:30-7:30 p.m.	Second Shift	_____	Assignments will be made upon arrival
6:30-8:00 p.m.	Clean Up	_____	
Time: TBD	Sing/Entertainment	_____	

Are there any special considerations that should be noted in assigning volunteer duties?:

If you want to volunteer a few hours of your time to this worthwhile cause, please fill out the form and return by fax to the GCBF/GCBA at (810) 232-8310. (form may be photocopied/one volunteer per form)

NAME: _____ PHONE NUMBER _____

EMAIL: _____



Second Annual Bankruptcy Seminar

February 5, 2016

presented by GCBA Bankruptcy Committee

LOCATION	
Holiday Inn—Gateway Centre 5353 Gateway Centre Flint, MI 48507	
REGISTRATION FEES	
<input type="checkbox"/> \$25.00 Chapter 7 Session Only for GCBA Members <input type="checkbox"/> \$50.00 Chapter 7 Session Only for Non-Member <input type="checkbox"/> \$25.00 Chapter 13 Session Only for GCBA member <input type="checkbox"/> \$50.00 Chapter 13 Session Only for Non-Member <input type="checkbox"/> \$40.00 both sessions for GCBA Members <input type="checkbox"/> \$80.00 both sessions for Non-Members \$_____ Total amount enclosed: Fees include: Continental Breakfast for Morning Session, Snack for Afternoon Session and Written Materials; Lunch is not included. <i>GCBA Members: The reduced rate for this seminar is courtesy of the Genesee County Bar Foundation Louis D. McGregor CLE Fund. For membership information call (810) 232-6012.</i>	
CUSTOMER INFORMATION	
Name _____ Address _____ City _____ State _____ Zip _____ Phone _____ Email _____ MAIL registration form with check to the Genesee County Bar Association, 315 E. Court St., Flint, MI 48502. FAX registration with credit card information to the GCBA at (810) 232-8310. ONLINE registration at www.gcbalaw.org .	
METHOD OF PAYMENT	
<input type="checkbox"/> Note the attached check # _____ (payable to the GCBA) Credit Card: <input type="checkbox"/> VISA <input type="checkbox"/> MasterCard <input type="checkbox"/> American Express Credit Card # _____ Expiration date _____ 3 digit # on back of card _____ Billing address _____ Name (as appears on credit card) _____ Cancellations made within three days of the seminar will be assessed a \$10.00 handling fee. No refunds for cancellations the day of seminar or thereafter.	

FACULTY AND TOPICS - Chapter 7	
8:30 a.m.—9:00 a.m.	Registration & Continental Breakfast
9:00 a.m.— 9:10 a.m.	Opening Remarks
9:10 a.m.—9:40 a.m.	Case Law, Bankruptcy Forms and Rules Update Speaker: Sherri L. Belknap
9:40 a.m.—10:25 a.m.	Objections to Exemptions Speaker: Thomas L. Beadle
10:25 a.m.—10:35 a.m.	Break
10:35 a.m.—11:15 a.m.	Preferences, Fraudulent Transfers How to recognize, object & resolve Speakers: Stacy Davis & Kimberly Lubinski
11:15 a.m.— 11:45 a.m.	Views from the Chapter 7 Trustees Speakers: Samuel D. Sweet
11:45 a.m.—12:00 p.m.	Questions & Answers
FACULTY AND TOPICS - Chapter 13	
12:30 p.m.— 1:00 p.m.	Registration
1:00 p.m.— 1:10 p.m.	Opening Remarks
1:10 p.m.—1:40 p.m.	Case Law, Bankruptcy Forms and Rules Update Speaker: Sherri L. Belknap
1:40 p.m.—2:10 p.m.	Social Security Speaker: Laura D. Breckenridge
2:10 p.m.—2:40 p.m.	Objections to Schedule I & J Speakers: Butler, Butler & Rowse-Oberle Trustee's office
2:40 p.m.— 2:55 p.m.	Break
2:55 p.m.—3:25 p.m.	Views from the Chapter 13 Trustee Speaker: Carl L. Bekofske
3:25 p.m.—4:10 p.m.	Views from the Judge Speaker: Honorable Daniel S. Opperman
4:10 p.m.—4:20 p.m.	Questions & Answers

Letter to the Editor

RESPONSE OF ATTORNEY TOM R. PABST TO MICHIGAN COURT OF APPEALS DECISION REVERSING JURY VERDICT

A Michigan Court of Appeals' (hereinafter "MCOA") decision recently took a fairly won jury verdict in Judge Fullerton's Court away from Beverly Knox-Pipes, in a case tried by local attorney, Tom R. Pabst. The MCOA decision used the following four methods to justify taking away the jury's verdict.

FIRST – THE MCOA DECISION JUDICIALLY LEGISLATED AND ADDED TO THE EXISTING WHISTLEBLOWER LAW, THEN APPLIED ITS NEWLY EDITED LAW RETROACTIVELY TO TAKE AWAY THE JURY VERDICT, SPECIFICALLY DISREGARDING THE MICHIGAN SUPREME COURT'S RULING AND ADMONITION THAT THIS METHOD IS FORBIDDEN AND PROHIBITED TO BY USED BY MCOA JUDGES

The Michigan Court of Appeals' Opinion re-wrote the Whistleblower law to essentially require that "participating in a protected proceeding does not count if the plaintiff is a subject of the investigation", then applied the newly judicially rewritten law retroactively to take a fairly won jury verdict away from Plaintiff Beverly Knox-Pipes, and at the same time, it repudiated, contradicted, and *sub silentio* reversed the Michigan Supreme Court ruling in *Whitman v City of Burton*, 493 Mich 303 (2013) which expressly condemned this process of judicial legislation and forbade the Court of Appeals judges from engaging in it – which ruling was made explicit and clear two years ago in a published Opinion by our Supreme Court!

SECOND – THE MCOA DECISION JUDICIALLY EDITED/RE-WROTE THE MICHIGAN SUPREME COURT'S MICHIGAN RULE OF EVIDENCE 408 ENACTED IN 1978

The MCOA decision also essentially re-wrote the clear and unambiguous text of the Michigan Supreme Court's 1978 MRE 408 to eviscerate the last two sentences thereof, making a totally new Michigan Rule of Evidence 408, when the trial court and Plaintiff relied upon the complete 1978 MRE 408 as the evidential law of Michigan. The way the MCOA decision edited and re-wrote the 1978 MRE 408, it prevented any evidence showing Defendant Lisa Hagel's bias, prejudice, or basis for impeachment, when the last two sentences of that rule written by our Supreme Court specifically allow for that type of evidence to be used at trial.

THIRD – THE MCOA DECISION JUDICIALLY RE-WROTE PLAINTIFF'S PLEADINGS TO ACCOMPLISH THE RESULT THEY ENDED UP WITH

Not content with judicially re-writing the Whistleblower law, and our Supreme Court's MRE 408, the Michigan Court of Appeals Panel next judicially re-wrote Plaintiff's pleadings and pretended that Plaintiff did not plead "participation in a school investigation" when ¶43 of Plaintiff's Second Amended Complaint clearly pled that protected activity of participating in a School investigation – at least if you read the complete version of ¶43. Surprisingly, the MCOA decision only quoted part of our ¶43, but omitted the other part which negated and contradicted the very ruling that the MCOA decision just made! How the MCOA judges could have not seen the other part of our ¶43 that they themselves partially quoted is astounding.

FOURTH – IT'S OKAY WHEN DEFENDANT LISA HAGEL SAYS AND ADMITS THAT "NO CRIMINAL FAULT" WAS FOUND, BUT "MISCONDUCT" AND REVERSIBLE ERROR WHEN THE EXACT SAME PHRASE IS REPEATED BY ATTORNEY TOM R. PABST, WHO WAS QUOTING FROM A DOCUMENT THAT HAD BEEN ADMITTED INTO EVIDENCE WITHOUT OBJECTION!!

The MCOA actually ruled that it was improper and forbidden for Attorney Pabst to comment on, or mention, evidence properly admitted during trial of a press release issued by Defendant Hagel admitting that the prosecuting attorney found no criminal fault. In other words, Defendant Hagel could proclaim to all of the people in Genesee County and to the jury sworn to try this case that there was a finding of "failure to find criminal fault", but when Tom R. Pabst repeats the very same thing, it constitutes "serious misconduct" warranting reversal of a jury's verdict! This changes the rules of litigation that have been in existence since the time of President Abraham Lincoln, namely that it is proper for an attorney to comment on, and, in fact, argue documents that have been admitted into evidence such as this Press Release from Defendant Lisa Hagel:

"GISD RESPONSE TO LAPEER PROSECUTOR'S NOT PURSUING CRIMINAL CHARGES

For Immediate Release

* * *

"I would like to express my concern and displeasure over the **failure to find criminal fault...**"

This is a verbatim excerpt taken from Plaintiff's Trial Exhibit 22, which was introduced at trial for the jury's consideration without any objection from Defendant Lisa Hagel or her attorney.

CONCLUSION

With the above facts, you are in a position to decide for yourselves the justice and fairness of the legal process involved here. To those of my friends who wonder if it is proper to comment on a "pending legal matter", I cite to you the ruling of our own Michigan Supreme Court, and the words of one of its most prominent Justices, Cliff Taylor, who said that it is not only the "right" of an attorney to comment on judicial process, but the duty of an attorney to comment:

"While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also the lawyer's duty to uphold legal process."

See 476 Mich 231, p. 6 of 72.

I intend to apply for leave to our Michigan Supreme Court to prove two things:

- (1) That the MSC really meant it two years ago in its *Whitman, supra*, decision that this judicial legislation methodology is forbidden and prohibited; and
- (2) That neither Judge Fullerton nor I made any mistakes constituting in trying this case to jury verdict.

Have a response?
Please email tyb@gcbalaw.org