



# OBITER DICTUM



HAPPY HOLIDAYS EDITION

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November—December 2008

## Innovative jury-reform project on trial here

Muskegon County residents assigned to juries in the 14th Circuit Courtroom of **Chief Judge Timothy G. Hicks** are now allowed greater freedom to learn the case as it goes along.

In a letter to MCBA members, Judge Hicks said the Michigan Supreme Court ordered seven circuit judges statewide to test various jury-reform proposals over the next two years. He has agreed to test-drive several proposals. These include:



**Hon. Timothy G. Hicks, 14th Circuit Chief Judge, with Bailiff Orlando Riley**

1. The attorneys, together, are to provide each juror with a reference book containing witness lists, relevant law, and copies of relevant documents where their interpretation is at issue.
2. At any time, the judge - either by an attorney request or *sua sponte* instruct the jury on a point of law if the instruction will help jurors better understand the proceedings and help them reach a just verdict.

3. Attorneys must provide a list of elements of the crime or elements of the plaintiff's case in civil matters that the judge will read to jurors at the outset of the trial.
4. The court will allow attorneys to present "interim commentary" at appropriate junctures.
5. Jurors may discuss the case among themselves *during* the trial, but certain

Guidelines must be met (MCR 2.513 (K)).

6. The judge will accept written juror questions at the close of the initial cross-examination and ask the witness the questions posed by jurors.

7. Attorneys for both parties must file a concise written summary of each witness's deposition. The summary would

**Con't Page 6**

## Paul Wishka wins 2008 Neil G. Mullally Restorative Justice Award



**Paul M. Wishka**

Meaningful punishment for wrongdoers and their victims is the bedrock belief of "balanced and restorative justice."

The Muskegon-based Westshore Dispute Resolution Center recently awarded **Paul M. Wishka**, 14th Circuit Family Court administrator, the second-annual Neil G. Mullally Restorative Justice Award for his

work implementing the philosophy for juvenile offenders and their victims.

WSDRC last year not only honored **Chief Probate Judge Neil G. Mullally** for his efforts in implementing the restorative justice program, but named the award for him.

Mr. Wishka said following in the judge's

**Con't Page 6**

# Remembering Our Late Colleagues

**William J. Hipkiss**, a longtime Muskegon attorney and veteran actor in West Michigan community theater, died Sept. 30 in Rockford, Ill. He was 75 years old.

A memorial service for Mr. Hipkiss was held Oct. 8 at the historic Frauenthal Theater in downtown Muskegon.

A native of the Queens borough of New York City, Mr. Hipkiss moved to Muskegon in the



**William Hipkiss**

1960's. He practiced law in West Michigan for 38 years, including a stint at the Muskegon County Prosecutor's Office.

Mr. Hipkiss was well-known as a performer, primarily in musical theater.

Among his notable roles were Tevye in "Fiddler on the Roof," Alfie Doolittle in "My Fair Lady," Cervantes/

Don Quixote in "The Man of La Mancha," King Arthur in "Camelot" and Capt. von Trapp in "The Sound of Music." His nonmusical characters included the Russian arms negotiator Botvinnik in "A Walk in the Woods," and C.S. Lewis in "Shadowlands."

Mr. Hipkiss served in the U.S. Air Force as an Airman 1st Class, and was stationed in Germany during the Korean War. He graduated with a B.A. from the University of Michigan in 1959, and earned his law degree from the American University of Law in 1962. He worked in the Justice Department and NSA during the 1960s.

Mr. Hipkiss married Elizabeth LaGrande on May 14, 1988, in Rockford, where he was a member of First Presbyterian Church.

After retiring from law, Mr. Hipkiss in August 2005 moved from Grand Haven to his wife's hometown, Rockford, Ill. There he became an author. Mr. Hipkiss wrote three novels of autobiographical historical fiction: "Normandie: Scandal on Pier 88," "Fasching" and "Hagerstown."

The family has requested that memorial donations be sent to Muskegon Civic Theatre, 425 W. Western Ave., Suite 401, Muskegon, MI 49440. **By Bill Iddings, Muskegon Chronicle**

Veteran attorney **Robert L. Forsythe**, an Ann Arbor native and graduate of the University of Michigan and its law school, died Oct. 25 at his Muskegon-area home. He was 89.

Like many members of his generation, Mr. Forsythe responded when his nation called, serving in the U.S. Army during World War II. Rising to rank of captain, he served in the South Pacific and took part in the Battle of Guadalcanal. After VJ Day, he commanded a facility housing Japanese prisoners of war, including one of the women generically known as "Tokyo Rose."

After the war, Mr. Forsythe came to Muskegon where he practiced law, particularly representing various municipalities, including Norton Shores, Coopersville, and the Village of Fruitport. He

formed a law partnership known as Parmenter, Forsythe and Rude. This later became today's Parmenter O'Toole Law Firm, from which he retired from the active practice of law in the mid-1980s.

Mr. Forsythe also was a business owner., serving as managing partner of Arlington Estates Mobile Home Park. An avid golfer, he was a member of the Muskegon County Club, becoming its president in 1974. He also served as president of the Muskegon County Bar Association in 1960.

Mr. Forsythe is survived by his wife, Marilyn; son, Grant (Diane) Forsythe of Cary, NC; two daughters, Mary Forsythe of Charlotte, NC, and Sarah Forsythe of Los Angeles, CA; six stepsons, Charles (Kim) Schaub, Rodney (Peggy) Schaub, John (Debbie) Schaub, Thomas (Mary Price) Schaub, James (Holly) Schaub, all of Muskegon; and Tom Nowakowski of Muskegon; and two stepdaughters, Terri (Hugh) Goldsmith of Ann Arbor, MI and Lois (Steve) Smith) of Muskegon. He was preceded in death by his first wife, Elinor, and his second wife, Phyllis.

The family suggests memorial be made in Mr. Forsythe's name to the Muskegon Rescue Mission.



**Robert L. Forsythe**

# Defender group responds to 60th District Court Public Defender changes

By: **Margaret Sind Raben**, *President*  
Criminal Defense Attorneys of Michigan

The Muskegon County Bar Association was correct when they described the current public defender system as "failing." ("Judges Overhaul Public Defender System," September/October, 2008) Though the Constitution

**The recent changes in Muskegon's public defense system, as described in the September-October Obiter Dictum, are steps in the right direction and should be applauded. But will these steps actually improve the quality of defense services?**

clearly provides all of our nation's citizens with the right to an adequate trial-level public defense, the recent report commissioned by the Michigan Legislature and completed

by the widely respected National Legal Aid and Defender Association (NLADA) indicates that Michigan fails to meet even minimum national standards for effective public defense delivery systems. The problem is statewide.

The NLADA's experts examined ten counties in Michigan: Alpena, Bay, Chippewa, Grand Traverse, Jackson, Marquette, Oakland, Ottawa, Shiawassee, and Wayne. The counties were selected by an advisory group appointed by the legislature and chosen as representative of Michigan's counties and their various public defense delivery systems.

The NLADA found that every county system they examined failed to meet at least one of the American Bar Association's *Ten Principles of a Public Defense Delivery System* – the nationally-recognized criteria for effective, efficient and ethical public defense systems. The United States Supreme Court describes the ABA standards as "guideposts" for assessing the effectiveness of public defense. (*Wiggins v. Smith*, 539 US 510 (2003)). In the words of the NLADA report, "None of the public defender services in the sample counties [in Michigan] are constitutionally adequate."



**Margaret Raben**

States have a constitutional responsibility to fund and to administer constitutionally adequate public defense delivery services. However, Michigan is one of only seven states that shifts the entire burden of financing this critical constitutional mandate on its counties.

Public defenders deserve and require adequate funding and the resources to provide a constitutionally adequate defense, the time and opportunity for confidential communications with their clients, manageable workloads, and training commensurate with the complexity of their caseload and the criminal justice needs in a particular case. Only then will these dedicated attorneys be full and

**Con't Page 4**

## Contact Your MCBA Officers

Officers for 2008-2009

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## COURTHOUSE-CONVENIENT OFFICE SPACE AVAILABLE

2nd floor office space ideal for attorneys. 8 West Walton. All services. Call Rick Tolle at 231-726-1400.

## Mark your calendars for these upcoming events

**Friday, December 5**, Muskegon Country Club, Barristers' Ball. **Matt Miller's** band performs. **Friday, 1 May 2009** Law Day celebration, Holiday Inn Muskegon Harbor. Volunteers needed. Belinda Barbier, chairperson.

**Wednesday 3 June 2009** Annual MCBA Golf Outing, Stonegate.

## Transitions



**William Patrick Nolan**

**William Patrick Nolan** was born October 8, 2008 at 7:50 a.m. to Geoffrey & Elizabeth Nolan. He was 7lbs 5 oz and 19 inches in length.

**Tom Armour** has returned to Colorado. "I very much enjoyed my ten years in MI and my membership in the local bar." He can be reached at 303-522-2087 TJArmour@aol.

# Diversity, youth foreseen on Obama court

The nation voted for change this November, and President-Elect Barack Obama likely will craft a younger, more diverse—and more liberal—judicial landscape particularly on the nation's highest court, two local political scientists told MCBA members at the 12 November meeting.

**Kurt Troutman** and **David Takitaki** of Muskegon Community College said the aging Supreme Court likely will offer the new president a great opportunity to appoint women and minorities whose judicial philosophies differ markedly from those of Republican predecessors, particularly

in the area of civil rights.

“Civil rights,” however, will have a broader meaning under future Obama-appointed courts, Mr. Troutman said. Issues will include same-sex marriage, right to assisted suicide, prisoner detainees, and affirmative action.

Mr. Takitaki said “change can happen dramatically and in a short period of time,” particularly because the average age of a justice is 69 with the range spanning John Paul Stevens at 88 to Chief Justice John Roberts at 53.

In his first term, President Obama likely could replace several justices.

The professors' short-list of possible candidates include Johnnie B.

Rawlinson, 9th Circuit Court of Appeals; Leah Ward Sears, Georgia Supreme Court; and “longshots” Jennifer Granholm, Michigan governor; Elena Kagan, Harvard Law dean, and Sen. Kenneth Salazar, D. Colorado.



**Troutman**



**Takitaki**

## CDAM: Funding defense is the fundamental problem in public defense problem

### Con't from Page 3

equal partners in a court system that was created and is sworn to protect the rights of all.

Michigan's taxpayers deserve a public defense system that demands accountability so as to ensure that the system they fund meets minimum national standards and is consistently and adequately funded across the state.

The recent changes in Muskegon's public defense system, as described in the September-October Obiter Dictum, are steps in the right direction and should be applauded. But will these steps actually improve the quality of defense services? One thing we know for sure from the NLADA report is that these long-overdue changes will not resolve the fundamental underlying problems. These problems include the fiscal squeeze on county- and municipality-funded public defense systems in times of economic decline and the lack of state standards and oversight to ensure public defense services are

effectively, efficiently, and adequately delivered to our citizens, wherever they live.

Michigan's patchwork county by county public defense system is a statewide problem that requires a statewide solution. The Muskegon courts have taken an important first step but they can't fix the underlying problems. State lawmakers must recognize the state's responsibility to come to the assistance of our beleaguered courts and local funding units, and ensure that Michigan's public defense system is addressed as a whole, not piecemeal. The Constitutional rights which are so eagerly studied and envied throughout the rest of the world require our protection and they require our action. Let's seize this chance to do the right thing and make Michigan a leader in effective and fiscally responsible defense services..

To view the NLADA report, go to <http://michbar.org/publicpolicy/indigentdefense.cfm>. See also David Korter's report at Page 6.



Copper Harbor, Michigan September 2008 by **Heidi Hagen**  
HEIDI D. HAGEN, PLLC  
800 Ellis Road, Suite 206  
Norton Shores, Michigan



## So, where have you been lately?

Share with colleagues pix from your travels. Send to [mcbaobiter@yahoo.com](mailto:mcbaobiter@yahoo.com)



Share YOUR travel pix with The OBITER; [mcbaobiter@yahoo.com](mailto:mcbaobiter@yahoo.com)

# Representative Assembly weighs rule changes

By **David Kortering**, Member  
Representative Assembly, 14th Circuit

[Editor's Note: *Mr. Kortering and Ms. Shon Cook* serve as our representatives to the rules-making body known as the Representative Assembly. This is Mr. Kortering's report of the 18 September 2008 State Bar Annual Meeting in Dearborn.]

1. **Political & Judicial Endorsements:** Should the State Bar of Michigan amend Article VIII of its Bylaws so as to discourage officers of the Representative Assembly (the Chair, Chair-elect and Clerk) from personally endorsing candidates for political and judicial office, which might be construed as being and endorsement of the Representative Assembly or the State Bar of Michigan, during their terms as officers of the representative Assembly? There was discussion about the 1st Amendment (free speech) limitations of this motion to the Chair, Chair-elect, and Clerk of the Assembly and the motion failed by a clear majority.
2. **Canon 2(F) of Judicial Conduct:** Should the Representative Assembly support and endorse a Resolution to Amend the Michigan Code of Judicial Conduct as

follows:

A trial court judge should neither contract as an independent contractor nor employee as a court staff member in any capacity a spouse, sibling, parent or child of an attorney having an office located within the same jurisdiction as that trial court or of an attorney who engages in the practice of law in that trial court.

The proposal was sent to the special issues committee by motion of the proponent.

3. **MCR 6.201(B) Preservation of Electronic Recordings:** Should the Representative Assembly recommend the Michigan Supreme Court add a new subsection under MCR 6.201(B) of Criminal Procedure directing the discovery disclosure and preservation of pertinent electronic recording evidence made by a government agency or agent as follows:

MCR 6.201(B)(6) any electronic recording evidence made by any governmental agency or agent pertaining to the case known to the prosecuting attorney. Such records shall be preserved by the prosecuting attorney until after all appeals have been exhausted or all rights of appeal have expired, which-



**David Kortering**

not produced may be presumed by jurors to have been adverse to the prosecution.

There was a lot of discussion on this motion and a few friendly amendments were made to make the motion more permissive than mandatory as to the jury instruction, and with the amendments, the motion passed by a 62-37 vote.

4. **MCR 6.425(B) & 6.610(F) Presentence Report:** Should the Representative Assembly recommend that the Michigan Supreme Court amend MCR 6.425(B) and 6.610(F) of the Criminal Procedure to allow for an adjournment of sentencing if the presentence report is not timely submitted and to allow for the submission of corrections, additions or deletions to the presentence report?

There was some discussion about the motion but it passed with a clear majority.

5. **MCR 6.425(B) & (C) Presentence Report:** Should the Representative Assembly recommend the Michigan Supreme Court amend MCR 6.425(B) & (C) to mandate the distribution of copies of the presentence report *before* sentencing?

This motion was withdrawn by the proponent considering the other motion

*Con't Page 6*

## Hospitals' merger a decade-long project

**Mary Boyd**, chief development officer of Mercy Health Partners, told MCBA members at their October meeting that the recent merger of Hackley-Mercy hospital merger is an undertaking that will take years to fully complete.

The new entity operates four hospital campuses, employs thousands, including 375 physicians, and provides primary and secondary health care from Shelby to Norton Shores.

The marriage of Hackley and Mercy is less a merger than a "cultural transformation" of two proud institutions, Ms. Boyd said. Although the selected name appears to muscle Hackley's legacy aside, the resulted from market research. It had to resonate among potential clients "up and down the

Lakeshore," she said.

The merger resulted in two separate legal entities, but that arrangement is temporary, Ms. Boyd said. "Eventually you'll see us under one legal structure...one organization."

We'll also see one major campus in which primary services are consolidated at the Mercy site, she said. But that change will take up to 10 years to complete.



**Mary Boyd**

## Pilot project to test better ways to educate jurors about case

### *Continued from Page 1*

be read at trial - not the full deposition. Expert witnesses also may sit through the other's testimony and jurors can hear a "panel discussion by all experts on that subject."



**Hon. Timothy G. Hicks**

8. Each juror individually is to receive a set of written jury instructions for use during deliberations.

9. The judge may, in appropriate cases, instruct jurors *before* closing arguments.

After the verdict, attorneys, jurors, and the judge must complete a detailed questionnaire about the experience. Results will be forwarded to the state supreme court for analysis.

Some local trial lawyers have voiced concerns, but there have been no bench-bar meetings on the topic and the matter isn't open for discussion.

In fact, if you have a jury trial scheduled before 14th Circuit Judge Timothy G. Hicks, you're involved in a pilot project concerning jury deliberations. "There is no opt-out option," Judge Hicks said. And the Supreme Court's order AO 2008-02 removed any room for discussion.

## *Mullally Restorative Justice Award recognizes unique service*

### *Continued from Page 1*

Footsteps and example was humbling and a motivation.

Judge Mullally lauded the decision to honor Mr. Wishka. "Paul Wishka was one of the earliest supporters of Balanced and Restorative Justice in our community," Judge Mullally said. "In every position he has held in the court system, he has recognized the positive impact that restorative justice has with victims, offenders, and community members."

The judge also noted that Mr. Wishka was a lifelong friend of Brian P. Mattson, for whom the BARJ center is named.

WDRC presented the award to Mr. Wishka 22

October 2008 at the fourth annual BARJ Conference at the Holiday Inn Muskegon Harbor.

Participants from across the state acknowledged the distinction.

WDRC oversees about 400 cases annually involving restorative justice – making victims whole while offering insight and education to offenders. Clients are assigned by Muskegon County 60th District and Juvenile Court judges.



**Judge Mullally**

The Neil G. Mullally Award resides at the WDRC offices. Mr. Wishka's name joins Judge Mullally's. Next year, a new recipient will be added and honored.

### ***Kortering Report, Continued***

regarding presentence reports.

Other items on the agenda were as follows:

The **Michael Frank award** for a lawyer who has made an outstanding contribution to the improvement of the profession was given to Justice Thomas Brennan, Sr., who served as the 81<sup>st</sup> Justice and Chief Justice of the Michigan Supreme Court as well as the founder of the Thomas M. Cooley Law School.

The **Unsung Hero award** for a lawyer who has exhibited the highest standards of practice and commitment for the benefit of others was given to Susan Spagnuolo Dal, long time Legal Aid attorney for Legal Aid of South Central Michigan (Livingston County).

David Carroll, Director of Research for the National Legal Aid and Defender Association (NLADA), entitled "A Race to the Bottom – Speed & Savings Over Due Process: A Constitutional Crisis."

This presentation discussed the recent evaluation by the NLADA about the Trial-Level Indigent Defense

Systems in Michigan. While there is no "cookie-cutter" method to indigent defense, the study indicates changes must be made. Discussion revolved around the cost and process of revamping the public defender system in Michigan and whether each county should be left to their own resources and funding. Ten counties were studied - Alpena, Bay, Chippewa, Grand Traverse, Jackson, Marquette, Oakland, Ottawa, Shiawassee and Wayne.

The study indicated District Courts across the state are prioritizing speed, revenue generation and non-valid waivers of counsel over the due process protections afforded by the United States Constitutions. "In fact, the emphasis on speed of case processing has led one jurisdiction – Ottawa County – to colloquially refer to the days on which the district court arraigns people as "McJustice Day (their terminology, not ours)." Although cost is an issue, New Orleans, LA revamped its system after Hurricane Katrina, indicating funding should not be an issue. I will gladly get anyone a copy, reading it.

# Psychologist shares insights into troubled kids

Children can become “management problems” to their parents and step-parents, psychologist **Dr. Joseph Auffrey** told the MCBA’s Family Law Section at its November meeting. Five types of parental behaviors create risk for creating such problems, he said:

- Partying parent: Kids like stability not undependables.
- Overly religious: So outside the mainstream that kids realize it.
- Erratically behaviors, “bi-

polar” parents: Kids don’t want to hear excuses.

- Unorganized: Kids depend on parents and distrust those who don’t regularly cook, clean, and maintain schedules.
- “Helicopter” parents: Overprotective, overindulgent parents: This parent puts the child at risk by not preparing them to solve their own problems.

*Con’t Page 8*



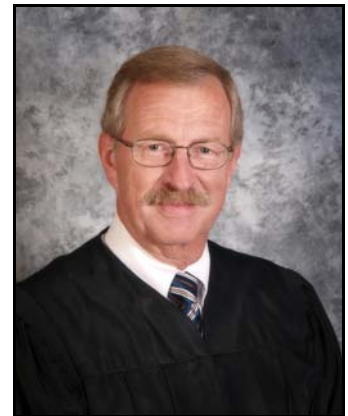
**Dr. Joseph Auffrey** instructs members of the Family Law Section of the MCBA at the November meeting. **Jamie Shafer** participates.

## *14th’s Chief Judge Ruck now a published author*

Muskegon’s Chief Circuit judge published an authoritative article in the October 2008 Journal of the State Bar of Michigan. “Discipline of Stepchildren by Stepparents in Cases Involving Joint Custody” held the byline of **Hon. John C. Ruck**. “I’ve always wanted to do this,” he said.

The article, ripped from the judge’s experiences, focuses on some of the most vexatious situations following divorce — stepparents disciplining a child of the former marriage while

**Parentally administered corporal punishment is so ingrained in our society as to be considered sacrosanct by many parents and cultures. Because it can be so easily susceptible to misuse and abuse, “sharing the rod” with a stepparent should be subject to judicial oversight and restraint.**



**Hon. John C. Ruck**

acting *in loco parentis*. How much discipline - and in which mode - may a stepparent act without incurring an assault and battery charge? The problem is older than *David Copperfield*, Judge Ruck notes. See the Journal or at [www.michbar.org/journal/pdf/pdf4article1424.pdf](http://www.michbar.org/journal/pdf/pdf4article1424.pdf).



**Belinda Barbier** is chairing the 2008 Law Day Celebration.

## 2009 Law Day planning under way

You’ve got a good rapport with your son’s 8th grade English teacher. Great.

**Barack Obama** and you used to shoot hoops at the dorm during your undergrad years. Great.

You believe in the rule of law and the role our young people might play in our future and the future of the nation. Perfect.

The MCBA’s **Law Day Committee** needs YOU. Chaired this year by **Belinda Barbier**, the Law Day Committee needs volunteers.

LAW DAY will be held **Friday, 1 May 2009** at the Holiday Inn Muskegon Harbor.

The Committee needs help contacting

teachers, principals, and students to alert them to the topics of essays, and high school speeches that could provide them with substantial scholarships. The Committee also recognizes individuals in the community through the annual Liberty Bell Award. The MCBA also recognizes an area educator for his or her efforts on behalf of students.

The 2009 theme is *“Legacy of Liberty, Celebrating Lincoln’s Bicentennial.”*

The committee will meet early in the new year to set deadlines and make applications available for each of the contests. Please contact Ms. Barbier at [belindabarbier@yahoo.com](mailto:belindabarbier@yahoo.com) or by phone, 231-457-3685,

# 2008 Condolences

## Dr. Auffrey: Few child resources here

**Hon. John Joseph Namenye**, retired probate judge, died 28 February. He was 81 and a WWII Army veteran.



**Thomas J. O'Toole** died 14 August. He was a retired senior partner with the firm he helped found, Parmenter-O'Toole. He was a U.S. Army veteran.

**Leo Linck** on 30 August at age 90. He began the practice of law soon after returning from the U.S. Army during World War II. He earned his law degree at Notre Dame.



**William J. Hipkiss**, a long-time Muskegon attorney and veteran actor in West Michigan community theater, died Sept. 30 in Rockford, Ill. He was 75 years old.

Veteran attorney **Robert L. Forsythe**, an Ann Arbor native and graduate of the University of Michigan and its law school, died Oct. 25 at his Muskegon-area home. He was 89.



Bob Forsythe

*Con't from Page 7*  
Parents of difficult children have few resources to turn to in West Michigan. Pine Rest and other facilities will accept children, but only for a short term and only if they are a threat to themselves or others. "Child psychiatry is virtually unavailable on an emergency basis," he said. "It's a very clumsy system." Institutions of yester-year that no longer exist did a better job than we are,

Dr. Auffrey said. "Community Mental Health (of Muskegon County) with all due respect does not pick up the ball for many folks. There are tight budgets and other concerns." Even parents with insurance find its coverage often expires after three days. "Parents have to struggle to manage."

*Judge John Ruck has the referenced New Yorker article ready for pick up at his office.*

## United Way asks for help

Tom Powers, United Way spokesperson, asked for attorneys' help at the MCBA's October meeting.

Mr. Powers said the need is keen in Muskegon and growing greater by the day.

Please consider a donation to this year's United Way campaign.



Tom Powers

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## Interested in forming a local Probate Law Section?

Several local attorneys will meet in December to determine the level of interest of forming a local Probate/Elder Law Section.

Given the success of the local Family Law Section, attorneys with a probate/elder law interest plan to gather for some informatl discussion.

If interested, call Linda Kaare at 722-1621 or Mike Walsh at 726-1400.

## Three new colleagues join the profession

The legal profession is the richer after the 12 November admission of three new members. The attorneys and their sponsors are:

- **Kevin Huss** by *Joe Bush*;
  - **Alisha Riedl** by *Tony Tague*; and
  - **Scott Lamiman** by *Chris Houghtaling*.
- The ceremony took place in the courtroom of **Judge William C. Marietti**.

### MCBA Officers for 2008-2009

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### Board Members

David Waterstradt, Maria Ladas-Hoopes, Michael G. Walsh, and J. Christopher Wilson.

## Moving On

**Matthew T. Miller**, formerly at **Tolle & Walsh PLC**, is moving to affiliate with **Jeff West and Associates**. He will continue a practice focused on family and criminal law.