



THE SUMMONS

Saginaw County Bar Association

Celebrate

CONSTITUTION DAY ★
SEPTEMBER 17TH



MEETING DATES FOR 2021-2022

(Go to www.saginawbar.org for meeting updates)

Board Meeting by ZOOM

(All Board Meetings will be held the 1st Wednesday of every month at 12:00 PM)

Pro Bono Committee Meeting

(All PB Meetings held via RING until further notice 3rd Tuesday of every month at 12:00 PM)

Red Mass

Thursday, October 14, 2021

Pro Bono Week

October 24 – 30, 2021

Pro Bono Luncheon - Saginaw Club
Noon - Thursday, October 27, 2021

Holiday Party

Friday, December 3, 2021 –
Horizons Center

Law Day - May 1st

Law Day Committee Meeting (TBD)
Law Day Mock Trials (TBD)

(If you want your committee meeting dates listed here, send them to Kelli Scorsone, Executive Director)



On September 17, 1787, the Founding Fathers signed the most influential document in American history, the U.S. Constitution. SCBA celebrates this event with the kickoff of our preparations for Law Day.

The 2022 Law Day events will be chaired by Joseph Albosta, the VP of SCBA. If you wish to join this team, please contact either Joe or myself, we will be setting up meeting dates soon.

Each educational institution that receives Federal funds for a fiscal year is required to hold an educational program about the U.S. Constitution for its students. SCBA has aided Saginaw County teachers over the years with ideas, videos, and links to help them provide information to their students.

Here are two samples of what we share with the teachers.

- A Quiz provided by [Delta College](#). (If you are reading the electronic version of The Summons just Control + Click to follow the link. Otherwise go to ConstitutionFacts.com - Learn about the U.S. Constitution, the Bill of Rights, the Declaration of Independence and much more!
- [Official U.S. Constitution Website - Learn About the United States \(U.S.\) Constitution & More | Constitution Facts](#)

REMINDER: Sign up for the Law Day Committee!

SCBA Field of Practice

Search online www.saginawbar.org for a local listing of subscribing attorneys and their area of practice.

State Bar of Michigan Lawyer Referral and Information

Search online or call 1-800-968-0738 Monday through Friday 8:30 am - 4:45 pm. The State Bar of Michigan's Lawyer Referral and Information Service is designed to assist members of the public who want to hire an attorney and can afford to pay for legal services.

Michigan Legal Help

<https://michiganlegalhelp.org>

The Michigan Legal Help website and affiliated local self-help centers are part of the Michigan Legal Help Program. The Program works with judges, courts, lawyers, bar associations, nonprofit legal aid agencies, legal self-help centers, libraries and many others to promote coordinated and quality assistance for persons representing themselves in civil legal matters in Michigan.

THE SUMMONS

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The articles in THE SUMMONS, unless clearly designated otherwise, are those of the author. They do not necessarily represent the opinion of the Saginaw County Bar Association or its members. Please direct your comments on THE SUMMONS, to its Assistant Editor, Ann R. Van Hautte, 4301 Fashion Square Boulevard, Saginaw, Michigan 48603 • (989) 498-2100.



PRESIDENT'S MESSAGE

By: Nathan J. Collison

Greetings fellow members. Recently, I sent out an e-mail to everyone regarding our various committees and opportunities for our members to get involved in the Association. We received a very positive response, but we still have a number of committee seats available. Serving on these committees is normally a minimal commitment, a great way to get to know your colleagues, an easy way to stay updated on current practice and procedure, and builds collegiality across our profession.

Over the years, I have attended numerous conferences and meetings with bar leaders from around the state and have had the opportunity to discuss member/association engagement within their respective associations and the methods they employ to maintain and increase it. Over the course of those conversations bar leaders across the state are consistently impressed by the size of our association, our member retention rate, and our engagement rate at social events. While the compliments we receive make me proud to have the honor of representing you as your President, all the credit must necessarily go to each of you.

Even though we are doing a great job with our overall activities as an association, there is always room for improvement. Just as I represent you and our

association as President, each one of you is also a steward of the SCBA. To that end, I again encourage you to sign up for a committee that interests you. Strong committee participation is the foundation of strong thriving organization, and the SCBA is no different. For our association to grow, thrive, continue to provide a high level of service to our members, and to increase and diversify those services, we need to maintain a strong membership level and increase member participation. So, tell a colleague who is not a member about the SCBA and encourage them to join, and please consider serving on a committee.

Because of the COVID situation over the last year or so most of our normal social activities have either been cancelled or have been necessarily modified to accommodate various restrictions and prohibitions. One of my goals for this year is to safely and responsibly bring back the social events that we have been unable to hold. Our local restaurants and pubs open for business, and many of them have amazing decks and patios for outdoor gathering. You all know how the social and economic effects of COVID have impacted your lives and practices, but no one has been hit harder than our local bars and restaurants. Our association has always been one of service to

our community, and by gathering socially we can both strengthen our personal and professional relationships and help support local business owners. Look for opportunities to gather socially with your

colleagues, volunteer opportunities, and other events in your inbox soon.

Finally, as fall approaches, I hope that you all enjoyed your summer and I look forward to seeing you soon.

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SAGINAW LANSING DETROIT GRAND RAPIDS



In Memoriam



Jack Eddy Kerr P15911. Died August 19, 2021. He was born July 24, 1927 and was admitted to the State Bar of Michigan July 10, 1972. Jack was SCBA's oldest member.

Please help the Memorial Committee make sure no member is forgotten. Contact SCBA office at 790-5285 or scba@saginawcounty.com regarding the passing of any Saginaw County Attorney.



SAGINAW COUNTY LAWYERS' AUXILIARY

By: Claudia J. Wallace

Signs of the times from the Saginaw County Lawyers Auxiliary

Not quite sure where summer began and ended but looking toward to fall, we are hearing once again there may be an upsurge of the Delta Variant strain and we will be masked up. Although very scary, if we all do our part, we will get through this strain.

With that said, we regretfully will not be having our annual fall luncheon this year. After two years of planning 2022 will be quite something for sure.

Something Fun - A blast from the past! Thanks go to past president, Ann Hoffman for cleaning out a closet and finding none other than a bag of



Guilty in the 2nd Degree cookbooks. Not yet antiques, a collectible for sure and can also be called vintage, which is an item that has been cycled back into fashion or

is less than 25 years old! We are selling these fabulous books with special recipes from known SCLA members. Don't miss out if you did back in the day. They are pretty special. \$10.00

You're Invited, *virtually!*

Congratulations to all of our 2021 Excellence in Education Scholarship Recipients! Although we cannot celebrate together at our typical recognition event this year, we want you - *our amazing donors* - to have a chance to see the names and faces of this year's scholarship awardees. Thank you for helping make the dreams of these students come true.

Visit our website at saginawfoundation.org/site/classof2021 to view all of our scholarship recipients organized by school.



We had a special invitation to the awards ceremony of the scholarship recipient via Zoom for this year. Another exciting event during trying times.

Last but not least, we don't want these MI magnets to go into someone's cellar and become antiques. Please purchase them for yourselves and/or for gifts. They are quality material and beautiful. We are Michigan! I hope some of you got to see Michigan in its finest this summer and looking forward to the fall color tours soon. \$8.00-2 for \$15.00-6 for \$48.00 and get the 7th one free.





SCBA EXECUTIVE DIRECTOR'S REPORT

By: Kelli Scorsone, Executive Director

COVID

It seems we just can't kick this Covid experience quite yet. But SCBA is trying to get past it and organize our events again. And, with the help of the courts, we will continue to keep you posted on the latest developments.

SCBA COMMITTEES

Your Board is currently working on filling committee positions so now is a good time to consider volunteering to serve on a committee. Every year we ask hoping to get new volunteers. Thank you to those that have joined over the years.

Committees serve several important roles to our association and the Board of Directors. They are the link between the Board of Directors and members. But to be effective committees need members! Member input! Member involvement!

Joining a committee helps you build stronger relationships with other SCBA members. You're guaranteed to make new friends.

Don't see a committee you would be interested in, let me know, we can start one. I am particularly interested in a Senior Section. Contact me for more information.



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DISTRICT COURT UPDATE

By: Judge David D. Hoffman

This update is intended to provide a brief summary of recent legislative changes involving sentencing and probate discharge and technical probate violations. Additional updates will be forthcoming in subsequent issues of The Summons.

Nonjail, Nonprobation Sentence

1. New Subsection 769.5(3) – Establishes a rebuttable presumption that the court shall sentence an individual convicted of a misdemeanor, other than a serious misdemeanor, with a fine, community service, or other nonjail or nonprobation sentence.
 - a. New Subsection 769.5(4) – The court may depart from the presumption if the court finds reasonable grounds for the departure and states on the record the grounds for the departure.

Early Probation Discharge – Eligibility & Notice

Eligibility

1. Amended 771.2(2) – Except as provided in MCP 771.2(10), MCL 771.2a, and MCL 768.36, the amendment establishes a process for misdemeanor and felony defendants to be discharged early from probation. After a defendant

completes half of the original probation period, the defendant may be eligible for early discharge. The defendant must be notified at sentencing of his or her eligibility and the requirements for early discharge from probation, and the procedure provided in MCL 771.2(3) to notify the court of his or her eligibility.

2. New Subsection 771.2(4) – As long as a probationer has made good-faith efforts to make payments, they must not be considered ineligible for early discharge because of an inability to pay for the conditions of their probation, or for outstanding court-ordered fines, fees, or costs. Nothing in this subsection relieves a probationer from court-ordered financial obligations after discharge from probation.
3. New Subsection 771.2(10) – A defendant who is convicted of one or more of the following crimes is not eligible for reduced probation.

750.81 – Domestic Violence – 1st Offense

750.81 – Domestic Violence – 2nd Offense

750.81 – Domestic Violence 3rd Offense

750.81a – Domestic Violence – Aggravated

750.81a – Domestic Violence – Aggravated – 2nd Offense

400.1501 – Offense Involving Domestic Violence as Defined by MCL 400.1501

750.84 – Assault with Intent to Do Great Bodily Harm Less Than Murder or By Strangulation

750.411h – Stalking

750.411h – Stalking a Minor

750.411i – Stalking a Minor – Aggravated

750.520c – CSC 2nd Degree

750.520e – CSC 4th Degree

28.722 – “Listed Offense,” meaning a tier I, II or III offense in the Sex Offenders Registration Act

768.36 – An offense for which a defense was asserted under MCL 768.36 (guilty but mentally ill)

750.462a-750.462h, former MCL 750.462i or MCL 750.462j – Human Trafficking Violations

Notice

1. New Subsection 771.2(3) – If a probationer has completed all required programming, the probation department may notify the sentencing court that the probationer may be eligible for early discharge from probation.
 - a. If the probation department does not notify the sentencing court, and the probationer has not violated probation in the immediately preceding three months, the probationer may notify the court that he or she may be eligible for early discharge on a form provided by SCAO.

- b. This subsection does not prohibit the court from considering a probationer for early discharge from probation at the court’s discretion.

Early Probation Discharge – Procedure

1. New Subsection 771.2(5) – Upon notification as provided in MCL 771.2(3), the sentencing court may review the case and the probationer’s conduct while on probation to determine if their behavior warrants an early discharge. Before granting early discharge to a probationer owing outstanding restitution, the court must consider the impact of early discharge on the victim and the payment of restitution. If a probationer has made a goodfaith effort to pay restitution and is otherwise eligible for early discharge, the court may grant early discharge or retain the probationer on probation up to the maximum allowable term for the offense, with the sole condition of continuing restitution payments.



SAGINAW COUNTY LAWYERS' AUXILIARY

The Auxiliary was founded in 1955. Its purpose is to promote the interest of the Saginaw County Bar Association and to encourage law-related activities that contribute to community progress and improvements.

Service Projects

Court House Tours, Law Day, SCLA Scholarship, A constitution in Every 5th Grader’s Pocket.

Membership \$25

No Hearing

a. New Subsection 771.2(5) – Except as provided by MCL 771.2(7), the court may grant an early discharge from probation without a hearing if the court determines the probationer’s behavior warrants a reduction in the probationary term.

Hearing

1. New Subsection 771.2(6) – If, after reviewing the case, the court determines the probationer’s behavior does not warrant an early discharge, the court must conduct a hearing to allow the probationer to present his or her case for an early discharge and find on the record any:

- i. Specific rehabilitation goal that has not yet been achieved; or
- ii. Specific, articulable, and ongoing risk of harm to a victim that can only be mitigated with continued probation supervision.

New Subsection 771.2(7) – The sentencing court must also hold a hearing before granting early probation discharge in the following circumstances:

i. **Felonies:** The victim has requested to receive notice under MCL 780.768b, 780.769, 780.769a, 780.770, or 780.770a of the William Van Regenmorter Crime Victim’s Rights Act

ii. **Misdemeanors:** Violations of: 750.81 – Assault or Assault and Battery

750.81 - Knowingly Assault or Assault and Battery of Pregnant Individual

750.81 – Knowingly Assaulting a Pregnant Individual – 2nd Offense

750.81a – Assault – Aggravated

750.136b – Child Abuse – 4th Degree

iii. New Subsection 771.2(8) – If a hearing is held under MCL 771.2(7), the prosecutor shall notify the victim of the date and time of the hearing and the victim must be given an opportunity to be heard.

Technical Probation Violations

1. Amended 771.4b(9)(b) – “Technical probation violations” are any violation of the terms of a probation order, excluding the following:

- a. A violation of a no-contact order.
- b. A violation of the law of this state, a political subdivision of this state, another state, or the United States or of tribal law whether or not a new criminal offense is charged.
- c. The consumption of alcohol by a probationer who is on pro-

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bation for a felony violation of MCL 257.625 (OWI, etc.).

d. Absconding, defined as the intentional failure of a probationer to report to his or her supervising agent or to advise his or her supervising agent of his or her whereabouts for a continuous period of not less than 60 days. MCL 771.4b(9)(a).

2. Amended 771.4b(1) – Amendment establishes new jail caps for technical violations of misdemeanor and felony probation, listed below.

Maximum Jail Sentence:

| Technical Violation | Misdemeanor | Felony |
|---------------------|---|--|
| 1 st | 5 days | 15 days |
| 2 nd | 10 days | 30 days |
| 3 rd | 15 days | 45 days |
| 4 th | Any number of days, up to remaining eligible jail sentence. | Jail or prison for any number of days, up to remaining eligible jail or prison sentence. |

3. New Subsection 771.4b(2) – A probationer may acknowledge a technical probation violation in writing without a hearing before the court being required.

4. Existing Subsection 771.4b(5) – If more than one technical probation violation arises out of the same transaction, the court shall treat the technical violation as a single violation for the purposes of this section.

5. Amended 771.4b(6) – Jail caps for technical probation violations do not apply to individuals on probation for the following violations.

| | Offense |
|----------|--|
| 750.81 | Domestic Violence |
| 750.31 | Domestic Violence 2 nd Offense |
| 750.81 | Domestic Violence 3 rd Offense |
| 750.81a | Domestic Violence – Aggravated |
| 750.81a | Domestic Violence – Aggravated – 2 nd Offense |
| 400.1501 | An offense involving domestic violence as that term is defined in MCL 400.1501 |
| 750.411h | Stalking |
| 750.411h | Stalking A Minor |
| 750.411i | Stalking – Aggravated |
| 750.411i | Stalking A Minor – Aggravated |

6. **New Subsection 771.4b(7)** – Establishes a rebuttable presumption for a summons or order to show cause for a technical probation violation rather than a bench warrant. **The court may overcome the presumption and issue a warrant if it states on the record a specific reason to suspect that one or more of the following apply:**

- The probationer presents an immediate danger to himself or herself, another person, or the public.
- The probationer has left court-ordered inpatient treatment without the court’s or the treatment facility’s permission.
- A summons or order to show cause has already been issued for the technical probation violation add the probationer failed to appear as ordered.

7. **New Subsection 771.4b(8)** – A probationer who is arrested and detained for a technical probation violation must be brought to a hearing as soon as possible. If the hearing is not held within the applicable and permissible jail sanction, the probationer must be returned to community supervision.

Special thanks goes to Josh Renckly, District Court probation officer for his assistance in compiling this summary.



Moving Forward in a Post-Pandemic

Save the Date

SCBA Pro Bono Luncheon

October 27, 2021

Noon

Saginaw Club

Speaker: Attorney General Dana Nessel

UNITED STATES COURT OF APPEALS AFFIRMS FEDERAL LABOR POLICY FAVORING BROAD PREEMPTION OF STATE LAW CLAIMS

By: Kevin L. Kula, JD
Masud Labor Law Group

In the legal world, ignorance does not usually equal bliss. In fact, what you do not know oftentimes ends up hurting you. As a practical example, when an employer's workforce unionizes, the employer must make sure it fully understands the terms of any resulting agreement with a union. If it fails to do so, the employer runs the risk of learning too late that collective bargaining agreements ("CBA's") with unions can significantly interfere with its operations, often in unexpected ways. This article examines a recent instance of an employer learning this lesson the hard way.

In, *Adamo Demolition Co. v. Int'l Union of Operating Eng'rs Local 150*, 6th Cir., No. 20-1163, 7/2/21, plaintiff, Adamo Demolition, contacted the local labor union to provide workers for a demolition project at a Ford Motor Co. plant in Chicago. Importantly, this arrangement was dictated by the terms of the National Maintenance Agreement ("NMA"), a collective bargaining agreement ("CBA") covering large industrial companies like Ford. The NMA provides the terms for hiring workers and, additionally, requires all disputes "arising out of work performed under [the NMA]," be resolved through a grievance and binding arbitration process. According to Adamo Demolition, it informed the union multiple times that its project was extremely time sensitive and that failure on the union's part to

deliver trained, qualified workers could cause significant monetary damages and/or create an unsafe work environment. Nevertheless, Adamo claimed the union sent unqualified workers and refused to verify or provide information on its workers' qualifications. It further claimed the union workers damaged the plant and were sent by the union specifically to cause trouble for Adamo.

Adamo filed a lawsuit in Wayne County Circuit Court. It alleged the union made false and malicious statements about them to third parties, sent unqualified workers to the job, and caused damage to the plant. Its complaint pled multiple state tort theories, including tortious interference with a contract and/or business relationships and slander/defamation. After removing the case to federal court, the defendant union claimed plaintiff's lawsuit was preempted by the federal Labor Management Relations Act ("LMRA"), 29 U.S.C. § 185(a). The LMRA broadly preempts all state-law claims that require interpretation of a CBA or implicate rights created by a CBA. The preemption analysis emphasizes substance over form. As the Sixth Circuit Court of Appeals has explained, a reviewing court must look to "the essence" of a plaintiff's claim to "determine whether the plaintiff is attempting to disguise what is essentially a contract claim as a tort." Preempted claims are dismissed, typically to be

either resolved or filed in arbitration thereafter.

In this instance, the Sixth Circuit court agreed with the union. “[P]lainly,” it said, Adamo’s interference claims required an interpretation of the NMA to determine the scope of the union’s responsibilities pertaining to the workers and the relationship between Adamo and the other parties. As for the defamation claims, the court said they were “inextricably intertwined with and depende[nt] upon” the NMA because it was impossible to determine whether any statements were actually false without evaluating the “rights and responsibilities of the parties created by the NMA.” Ultimately, because none of Adamo’s claims could be resolved without examining the bargaining agreement between the parties, its

state law claims were each preempted by the LMRA and dismissed.

Adamo serves as a reminder of the impact workforce unionization can have on an employer. Oftentimes, ceding control to a union can lead to problems with labor/work supply and can obviate an employer’s access to the court system as a means to resolve disputes. For these reasons, employers should closely examine all the issues which could arise from unionization and consult with an expert. Otherwise, they run the risk of finding out too late just what hidden bite a union contract may have.

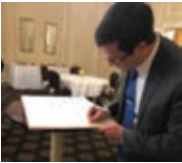
Employers or attorneys in the Saginaw Bar Association should feel free to contact any of the attorneys at Masud Labor Law Group to handle any aspect of collective bargaining agreement negotiation or review.

JUNE 2021 SWEARING-IN CEREMONY

JUDGE: Hon. P McGraw

APPLICANT: Maxson Frederick

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JUDGE: Hon. A Borrello by ZOOM

APPLICANT: Sara Rachel Landeryou

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BANKRUPTCY CASE NOTES

By: Jack Weinstein

Is a member's interest in the Tribe's gaming distributions bankruptcy estate property? That was the issue in the case of *In re Brenda Jo Muse*, Case No. 20-42761 (2021) decided by Minnesota Bankruptcy Judge Michael E. Ridgway on July 7, 2021. Debtor filed for a Chapter 7 Bankruptcy. Her Trustee filed a Motion to turn over her interest in the Tribe's gaming distributions to her. The parties stipulated that debtor filed for Bankruptcy on December 8, 2020 and was a citizen of the Pokagon Band of Potawatomi Indian Tribe that enacted a Gaming Revenue Allocation Plan under which a member of that Tribe received an apportioned monthly payment of the Tribe's net gaming revenue on a per capita basis.

Debtor received monthly per capita payments from the Tribe in varying monthly amounts based on the Tribe's monthly gaming revenue. Debtor received a per capita payment of approximately \$750 per month. The Trustee sought to turn over all of her per capita payments that debtor had received since filing for bankruptcy and any and all future per capita payments that she would receive from the Tribe. Debtor argued that the per capita payments were not estate property claiming that nothing in the bankruptcy code should

be construed as granting any person a vested property right or interest in the Tribe's gaming revenues. All Tribe gaming revenue held by the Tribe were to be dispersed pursuant to Tribal law. Therefore, debtor argued that her per capita payments should be treated as an employee's bonus, granted at the employer's discretion. The Trustee disagreed.

Judge Ridgway, in reviewing federal law, determined that it allowed Indian Tribe to determine whether a Tribe member's interest in gaming distributions would be bankruptcy estate property. If Tribal law states that a Tribe member's share of gaming revenue is not Estate property under Bankruptcy §541(a), even if state law might give a different result, then Tribal law controls. Judge Ridgway held that an Indian Tribe is a sovereign nation and that the Tribal law defines a Tribe member's property interest in its gaming revenue.

Judge Ridgway held that the federal government recognizes tribal nations as sovereign nations, subject only to the authority of the federal government except where Congress expressly provides that state laws apply. Federal law requires tribes to adopt tribal law providing for the distribution of net gaming revenue to be used for specific purposes, including the promotion of

the welfare of the tribe and its members. Judge Ridgway stated that: one method a tribe can use to meet this requirement is making per capita payments to Tribal members.

Factually, the Tribe was in compliance with Federal law and adopted a law directing that 57% of its net gaming revenue was to go to Tribal members on a monthly basis. Judge Ridgway noted that critical to the outcome of the case was Tribal law which was:

Nothing contained in this Code shall be construed to give any person a vested property right or interest in [tribal] gaming revenues. All [tribe] gaming revenues shall be held by the [tribe] until disbursed pursuant to [tribal] law and this Code.

In reviewing other bankruptcy cases, the Judge noted that six other courts had held that per capita distributions were equivalent to stock in a company, which a Trustee could sell. However, two other courts decided that Tribal payments were non-transferable while other courts had looked to Tribal law to see if there is a property interest that becomes estate property.

Judge Ridgway in his analysis be-

gan by determining whether per capita payments were estate property under Bankruptcy §541(a). He found that federal law authorized a Tribe to distribute per capita distributions. Therefore, “the tribe’s sovereignty gives it the authority to define the parameters of property rights” and define “whether a property interest exists at all.”

Next, Judge Ridgway turned to the question of how the tribe defined property interests in per capita payments. In that regard, tribal law is “clear,” he said. “Further,” Judge Ridgway said, “a mere expectancy of payment does not equate to a right to payment,” and the “explicit language” of tribal law “prevents the creation of a vested property right.”

September’s chuckles

Legal advice spotted on a billboard ad for the law office of Larry L. Archie: “Just because you did it doesn’t mean you’re guilty.”

Direct Examination

Attorney: “Doctor, how many of your autopsies have you performed on dead people?”

Witness: “All of them. The live ones put up too much of a fight.”

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NATIONAL PRO BONO WEEK

By: Valerie Kutz-Otway
Pro-Bono Committee Chair

The National Pro Bono Celebration is scheduled for October 24 – 30, 2021. Sponsored by the ABA Standing Committee on Pro Bono and Public Service, National Pro Bono Week is a coordinated national effort meant to showcase the great difference that pro bono lawyers make to the nation, its system of justice, its communities and, most of all, to the clients they serve. And for the thirteenth year in a row, the State Bar of Michigan has designated October as Pro Bono Month. All across the state, lawyers are participating in events designed to educate the public and the legal profession about pro bono legal services. The SBM Pro Bono theme this year is “Now More than Ever, Pro Bono is More than Just the Right Thing to Do.”

Despite challenges presented by the COVID-19 pandemic, the SCBA is making plans to host our Annual Pro Bono Appreciation Luncheon. The luncheon will be held on Wednesday, October 27, 2021 at the Saginaw Club. All attorneys are cordially invited to attend. We are pleased to announce that Attorney General Dana Nessel will be our keynote speaker. Attorney General Nessel is known for her commitment to bringing expungement services to Michigan residents,

which is a passion for the committee here in Saginaw. SCBA members who are active participants in the Pro Bono Program are invited to attend the luncheon as a special guest and will receive their lunch compliments of the SCBA. *Please note that the October luncheon is also a SCBA Membership meeting.*

Several Pro Bono awards will be presented at the luncheon, including the esteemed Pro Bono Attorney of the Year Award given in memory of Holli J. Wallace. Watch your email for nomination forms. We hope that you will nominate a colleague for 2021 Pro Bono Attorney of the Year and make plans to attend the luncheon. Please RSVP to Kelli Scorsone to save your seat.

Other SCBA pro bono events that are being scheduled throughout the month of October include:

- The Saginaw County Board of Commissioners’ meeting on Tuesday, October 19, 2021. A proclamation will be presented to the SCBA recognizing the pro bono contributions of our members.
- Ask the Lawyer Night. Ask the Lawyer Night is made possible through a partnership with LSEM and the Public Libraries of Saginaw. Ask the

Lawyer Night is free and open to the public.

- The Legal Advice Clinic. Together with LSEM, volunteer attorneys at the clinic provide assistance to low-income clients by giving one-time legal advice and brief service.
- The Expungement Clinic/Clean Slate Clinic on Friday, October 22, 2021. The primary purpose of the clinic is to expedite the clearance of criminal records that are creating barriers to services, employment, and housing.

Please watch for further details in the October issue of *The Summons*.

See the SBM Pro Bono Initiatives website at <http://www.michbar.org/probono.cfm> for a list of other events scheduled statewide throughout the 2021 Pro Bono season.

To all pro bono attorneys, thank you for your hard work and dedication to providing equal access to justice for those less fortunate in our community. We sincerely appreciate your service and look forward to greeting you at the Pro Bono Appreciation Luncheon on Wednesday, October 27, 2021.

2021 NOMINATION FORM

For SCBA PRO BONO ATTORNEY OF THE YEAR AWARD

The SCBA Holli Wallace Pro Bono Award

ATTORNEY'S NAME:

FIRM:

ADDRESS:

NUMBER OF YEARS ACTIVE IN PRO BONO PROGRAM:

EXTENT OF PRO BONO REPRESENTATION:

OTHER PARTICIPATION (including Legal Services of Eastern Michigan, Center for Civil Justice, Underground Railroad, or civil legal services donated to a Program that serves mainly poor people.)

COMMUNITY SERVICE AND PROFESSIONAL ORGANIZATIONS:

ADDITIONAL COMMENTS:

NOMINATED BY: _____ **DATE:** _____

PLEASE RETURN YOUR COMPLETED FORM NO LATER THAN OCTOBER 1ST
TO: Kelli Scorsone, Executive Director, SCBA, scba@saginawcounty.com

EXPUNGEMENT CLINICS CHANGE LIVES!

By: Amy L. Meilink, Legal Services of Eastern Michigan

On August 5, 2021, Legal Services of Eastern Michigan (LSEM) and Great Lakes Bay Michigan Works! held an Expungement Clinic in partnership with the SCBA Pro Bono Committee, Saginaw County Clerk Vanessa Guerra and Saginaw County Sheriff William Federspiel. This group was able to start the process of change in the lives of 121 people!

Earlier this year in Michigan, the laws to set aside criminal convictions changed. People who were previously not eligible or had limited eligibility, are now eligible to have multiple convictions set aside. Some employers will not hire a person with convictions or with certain convictions, even if those convictions are very old. Some people are not able to advance in their current employment because of convictions. Some cannot get licensed for certain types of employment. Others experience

difficulties in finding housing. Having your record expunged, if you are eligible, can be life changing!

We want to thank the following attorneys for their assistance: Katie Baluha, Alan Butler, Andrew Concannon, Megan Cottington-Heath, William Cowdry, Uduak Eyo, Julie Gafkay, Vanessa Guerra, Laura Kubit, Janey Lamar, Scot Sawyer, Millicent Shek, Kathaleen Smith, and Christopher Swartz.

This clinic was just the first one. A second one is planned for October 22, 2021 and we sincerely hope you will consider helping. There are many opportunities which we will continue to share on the SCBA listserv. Please talk to the attorneys listed above about their experience and consider helping in the future. For more information contact LSEM Pro Bono Coordinator Jamie Clayton at jclayton@lsem-mi.org.



left to right - Matt Sous, Amy Meilink, Jamie Clayton, Vanessa Guerra, Craig Clayton (from Michigan Works!)



left to right - Matt Sous, Uduak Eyo, Alan Butler, Laura Kubit

2021 CONGRATULATIONS TO THE FOLLOWING HONOREES

70-YEAR HONOREE (1951)

Jack Kerr July 10th

60-YEAR HONOREE (1961)

Christ Anagnost Dec 26th

50-YEAR HONOREE (1971)

Craig Dill Nov 24th



40-YEAR HONOREES (1981)

Thomas McDonald May 29th
 Hon. Terry Clark June 2nd
 Peter Shek June 4th
 Phillip Stahle June 9th
 Craig Zanot Sept 11th
 Debra Freid Nov 13th
 Hon. Daniel Opperman ... Nov 17th
 Susan Prine Nov 18th

30-YEAR HONOREES (1991)

Thomas Ruth May 6th
 Patrick Greenfelder June 6th
 Hon. Barb Meter Sept 16th
 Thomas Basil Nov 9th

Brian Makaric Nov 12th
 Timothy Burns Nov 13th
 Amy Meilink Nov 15th
 Kraig Schutter Nov 21st
 Darrell R Zolton Dec 30th

20-YEAR HONOREES (2001)

Sharon Burgess May 23rd
 Manda Danieliski May 30th
 Alex Bommarito June 25th
 Damion Fisher Nov 15th
 Hon. Manvel Trice III Nov 15th

10-YEAR HONOREES (2011)

Alan Crawford Apr 28th
 Blair Stevenson May 17th
 Jennifer Jones vanBenschoten .. May 17th
 Ryan A Naessens May 25th
 James Thomas July 15th
 Todd Jennings Oct 28th
 Joshua Leadford Nov 2nd

LAST YEAR'S 50-year Honoree

Duane vanBenschoten ... May 28, 1970



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