



THE SUMMONS

Saginaw County Bar Association

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MEETING DATES FOR 2019

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

Board Meeting

(All Board Meetings will be held at Saginaw Country Club, 1st Wednesday of every month at 12:00 PM)

Pro Bono Committee Meeting

(All PB Meetings will be held at Panda House, 3rd Tuesday of every month at 12:00 PM)

Law Day Committee Meetings

(All LD Meetings will be held at Panda House 2nd Thursday of every month at 12:00 PM)

Young Lawyers Meeting

September 11, 2019

12:00 – 1:30 PM

Meet Saginaw's Specialty Courts

Saginaw Courthouse

Basement Training Room LL006

\$10.00

Soup Kitchen Volunteers needed

(Call John Humphreys 989-401-2115 if you can serve)
Saturday, November 30, 2019

Pro Bono Week

October 20 to October 26, 2019

Pro Bono Membership Luncheon

October 23, 2019

12:00 PM

Speaker: Honorable Nuechterlein

Ask the Lawyer

Monday, October 21, 2019

5:30 – 7:30 PM

Topic: Juvenile Expungement

SCBA Christmas Party

Friday, December 6, 2019

6:00 – 11:00 PM

Horizons Conference Center



Tuesday, September 17th, 2019

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

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 Haute, 4301 Fashion Square Boulevard, Saginaw, Michigan 48603 • (989) 498-2100.



PRESIDENT'S MESSAGE

By: Katherine M. Baluha

Happy September! This is my favorite month of the year – my birth month! A big Happy Birthday to all my fellow Virgos and a little advice to go with it...live it up. Spend the whole month celebrating you – one day is just not enough. And football is back! I hope to get together a football watch party for one of the big rivalry games – input is welcome on ideas.

I hope August proved to be a great month for everyone – unfortunately, our board has not yet had a meeting to get started on new business because we elect our board at our annual meeting. As I write this month's article, we have not yet had our annual golf outing and meeting – so I hope it was a great time for all in attendance and cannot

wait to get started with our new board!

I wanted to focus this month's article on something that we attorneys, and judges too, all feel on differing levels but very rarely discuss with each other – stress. In recent weeks, I have heard of some fellow colleagues that are going through some scary health issues and I couldn't help but wonder if it has anything to do with their stress level and how long they have had constant stress throughout their careers. I actually suffer from psoriasis supposedly originating from stress and although it can be embarrassing and a nuisance, the real problem is my body is telling me something – lower the stress.

I did a little research and lots of different sources confirmed that attorneys

IN MEMORIAM

Francis B. Drinan – P12961 died Saturday, August 10, 2019. He was born December 26, 1931 and was sworn into SBM March 14, 1958

Please help the Memorial Committee make sure no member is forgotten. Contact SCBA office at 790-8488 regarding the passing of any Saginaw County Attorney.



are many times more likely to be depressed as others in different careers with a high percent having anxiety as well as issues with substance abuse. So I have been attempting to come up with ways to reduce my stress before it becomes a chronic problem. I think we all have the ability to not only lower our own stress but that of our colleagues. It has long been one of the hardest parts of practicing law for me, to deal with confrontational colleagues that in any normal setting I am friends with and even worse the ones you aren't friends with. I think this is where we can truly change the practice of law – there is no need to be confrontational with each other. We often forget that the cases we take are not personal – and although you advocate as though they are, there is no need to berate, ignore, lie or fight with each other. This may not be a stressor for all of you but for me it is a construct that has been placed on us that simply is not necessary and harmful in the end.

I have also started taking more vacations – I know that seems obvious, stressed at work, don't go to work then, but it isn't obvious. I believe that we get so used to the everyday stress that we crave it. I have noticed that when going on a week vacation from work there are times I will get anxious and fidgety and feel like I just have to check my emails or the office will completely fall apart. Now admittedly this feeling is also a good thing, because it pushes us to be more successful and work hard, but it is also harmful if it can't be turned off when you are trying to decompress. Some people feel guilty about taking vacations and this is just the stress try-

ing to control you – enjoy your vacations and take them often.

Another issue that is extremely hard to admit as an issue, because it is also wonderful – being too busy. I am sure I am not the only one that has a hard time saying no to cases, that is the whole reason most of us join this profession is to do as much good as we can and of course hopefully make some money while we are at it. At my office we have started implementing a week or 2 in the summer that we don't take any new consultations – this allows for catching up on files, taking a breather during the nice weather, and reducing the stress with too many cases coming in at once. It was so hard the first time that we did this and I worried about revenue during that time, however, if it is planned in to your year, it is such a relief. I understand sometimes this is not possible, however, if at all possible I have found it extremely helpful. Of course, it is good to be busy so definitely don't set this time in the middle of your busy season but when you would be slowing a bit anyways.

As I said, most of us do not talk about the stress that we are feeling for whatever reason – this also contributes to stress. Stress builds on itself and if it isn't released in some way that is controlled it will escape on its own in ways that are not constructive or healthy. There are so many attorneys that have the same stresses and worries – so reach out to someone that you trust and just vent about it. It feels so good because no matter who you choose to talk to, I bet they will validate your feelings with their own stress worries as well. And don't forget that there are

counselors and professionals that can help – don't let pride or thoughts that it isn't that bad keep you from seeking out the people that can help reduce your stress. So often we advise our clients to do this very thing and don't realize how helpful it could be for us.

This article was extremely difficult to write because it isn't "normal" to open up and be honest about things that are considered weaknesses. I hope the main takeaway from this article is realizing your stress is too much and taking action is strong and will help us to do

our work so much better and longer because we are healthy. And I hope that me speaking of some of my stresses and symptoms of that stress will help someone else either realize they are in need of stress relief or open up about it to someone. Some bar associations have started retreats for their members that focus on stress relief and building friendships within the bar – I'd love to hear if anyone would be interested in this idea. Maybe we could try some goat yoga – until next time have a great September and just breathe.

— Save the Date for the 2019 Celebration of Pro Bono —



**SAGINAW COUNTY BAR ASSOCIATION
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present the

11th ANNUAL PRO BONO LUNCHEON

Guest Speaker - Honorable Christopher Nuechterlein

Retired Federal Magistrate Judge for the United States District
Court for the Northern District of Indiana

Thursday, October 23, 2019

Saginaw Club - 219 N. Washington Ave.

12:00 noon



PORTRAIT OF A LAWYER ROBERT B. CURRIE

Robert B. Currie passed away Friday, March 15, 2019 at Howell's Adult Foster Care, Saginaw, Michigan at the age of 95. Robert was born October 13, 1923 in Toronto, Canada the son of Robert B. and Stella (White) Currie.

He was united to the former Dorothy MacDonald on January 31, 1951 in Windsor Ontario Canada; she preceded him in death on March 12, 2002. He was a member of the St. John's Episcopal Church and VFW Post 7302, Hemlock/Merrill. Robert is survived by his two sons; Robert A. Currie and Bart (Betty James) Currie, three grandchildren; Hope Currie, Celestine (Logan) Drumhillier and Kolby Parks.

Mr. Currie proudly served in the United States Army during WWII; where he was in the 42nd Rainbow Division

(famed 242nd Combat Infantry). While serving in WWII he was a decorated veteran for hand to hand combat, house to house fighting and liberating Dachau concentration camp. After serving for his country, General Eisenhower rewarded his service by sending Robert to Cambridge University in England. He later went on to attend and graduate from Wayne State Law School.

In 1964 Robert was elected Prosecutor Saginaw - being the first Democrat to hold that position in over 30 years. Robert fulfilled a campaign promise by appointing the first minority to the assistant prosecutor's office in Saginaw. He went on to practice law for over 50 years before his retirement.



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PORTRAIT OF A LAWYER JAMES E. TIDERINGTON

James E. “Jim” Tiderington passed away on Friday, March 15, 2019 at Great Lakes Rehab Center, surrounded by his family. He was 70 years old.

James Edward Tiderington was born in Saginaw on December 10, 1948 to the late Robert and Charlotte Tiderington. Jim loved his life in Saginaw and his gregarious spirit created life-long friendships over the years. He was proud to be born, raised, and die in Saginaw. Jim attended Douglas MacArthur High School where he played basketball and ran track. At Albion College he fell in love with Sherrie Rewold whom he married on the shores of Traverse Bay, wearing a hot pink tuxedo. He went on to attend Cooley Law School and worked diligently as a respected attorney in the Saginaw Community every day until the very end. Jim loved listening to music on his re-

cord player very loudly (especially The Beatles), playing guitar, coaching his kids’ sports teams, playing rounds of golf, drawing, and building epic sand-castles on the beaches of Lake Huron with his children during their Big Paw vacations.

Over the years he was a member of various community organizations, such as The Saginaw Club and The Germania Club. Jim is survived by his children: Brie (David) Ashley, Stacy (Jae Kim) Tiderington and James Tiderington II. He is also survived by his grandchildren, Julian Izzy and Lauren Roy Ashley, Cassidy Hyun June and Sebastian Bowie Kim. He is also survived by his brothers, Tom (Jan) Tiderington and Robert Tiderington; nieces and nephews: Jenny, Jeff, Bobby, Emmy, Evan, Ryan and Justin; and many extended family and friends.

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SAGINAW COUNTY LAWYERS' AUXILIARY

By: Claudia J. Wallace

Greetings from the Saginaw County Lawyer's Auxiliary

Collectively we have agreed that summer weather finally arrived the end of June and has continued through the beginning of August. Time will tell what lies ahead. Michiganders know the drill!

MEET THE BOARD

President- Jennie Jordan

Treasurer- Jennifer Jaffe

Recording Secretary- Marty Triantafillou

Corresponding Secretary- Carrie Burns

MEETING DATE AND TIME

First Tuesday of each month
6:30 p.m.

Our first member meeting is September 3rd at the home of Judy Weldy. All are

welcome. Please call her at 799-6545 if you will be attending.

We always kick-off our line-up of events with the SCLA fall luncheon. This year it will be September 26th at the Saginaw Country Club. Social time is 11:30 with lunch being served at noon. Our hostesses are Carrie Burns and Jennifer Jaffe. Please contact Carrie at 989-781-8958 with your reservation. Everyone is invited so bring a friend. It is always a delightful time.

Looking ahead at October please see our Roster as it should have come to you either by hand or mail.

We are looking forward to another year of old and new events, seeing one another at any or all of them and contributing to our community in good will.

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SCBA EXECUTIVE DIRECTOR'S REPORT

By: Kelli Scorsone, Executive Director

ANNUAL MEETING & GOLF OUTING

We were so fortunate that Saginaw Country Club gave us a rain date for both the golf outing and the annual meeting. I hope it wasn't too inconvenient for members. Living without a complete Board has not been easy for me.

NEW WEBSITE

Visit our new website at www.saginawbar.org let us know what you think. Do you want your law firm to be a featured law firm? Call me for details.

SCBA COMMITTEES

Step up and consider participating in the association process and volunteering to serve on a committee. September is my month to reach out to members to join a committee.

Committees serve a number of important roles to our association and the Board of Directors. They are the link between the Board of Directors and members. But in order 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.

So, let's pick a committee!

Here is a list of some of the SCBA Committees. Some of these committees still need Chairpersons. Are you up to it?

- ADR/Case Evaluation/Facilitation
- Bench and Bar
- Children's Law Section
- Criminal Justice Committee
- Digital Resource Committee
- Diversity & Inclusion Committee
- Domestic Relations Committee
- Historical Committee
- Law Day Committee
- Memorial Committee
- Pro Bono Committee
- Recognition & Awards Committee
- Social Committee
- Specialty Courts
- Woman Lawyers
- Young Lawyers Section

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DISTRICT COURT UPDATE

By: Judge M. Randall Jurens

The Legislature recently amended the section of the Summary Proceedings Act governing issuance of eviction orders.

2019 PA 2 (approved by the Governor April 3, 2019, effective July 2, 2019), amends MCL 600.5744 as follows:

- The list of persons allowed to execute eviction orders is revised from “the sheriff, or any other officer authorized to serve the process” to “a court officer appointed by or a bailiff of the issuing court, the sheriff or a deputy sheriff of the county in which the issuing court is located, or an officer of the law enforcement agency of the local unit of

government in which the issuing court is located”, MCL 600.5744(1). As before, the statute remains slightly as odds with MCR 2.103(B) which otherwise governs service requiring seizure of property. However, from a practical standpoint, the amendment will presumably have little effect in Saginaw County where eviction orders are generally directed to specific court officers appointed and authorized by our District Court.

- The statutory commandment that the executing officer “restore the plaintiff to and put the plaintiff in full[, peaceful] possession of the premises”, is now supplemented



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by specific instructions to “remov[e] all occupants and all personal property from the premises” and either (a) leave the property in an area open to the public or in the public right-of-way, or (b) deliver the property to the sheriff as authorized by the sheriff, MCL 600.5744(1)(a)(b). Again, it is not envisioned that this amendment will significantly affect existing local practice.

- Perhaps most interesting, the amendment provides that abandonment of the premises, and of any personal property on the premises, must be determined

by the executing officer, MCL 600.5744(2). Although the legislative intent is unclear, arguably, once the executing officer makes a good faith determination of abandonment (with indicia of abandonment hopefully documented somewhere), a landlord may proceed on his/her own directly to recover possession of the premises and/or dispose of the tenant’s property. If this variation on self-help is what is intended, and it is actually exercised by landlords, this would be a significant, and potentially problematic, change in the law.

**SCBA
Young Lawyers Section**

- Provides education, information, and analysis about issues of concern through meetings, seminars, and public service programs.
- Membership in the YLS is automatic for every member of SCBA who is under the age of thirty-six and/or has less than five years of practice.

Purpose

- I. To sponsor and carry on activities of particular interest and value to young lawyers in Saginaw County.
- II. To assist Attorney-Advisors in the Law Day Program.

**Saginaw County Bar Association
Young Lawyers Meeting
Meet Saginaw’s Specialty Courts**

**Wednesday, September 11, 2019
12:00 – 1:30 pm
Saginaw County Courthouse
Basement Training Room LL006
\$10.00**

**RSVP: by September 2, 2019
989 790-5285 or scba@saginawcounty.com**

Light lunch will be available

NATIONAL LABOR RELATIONS BOARD NARROWS “PERFECTLY CLEAR SUCCESSOR” EXCEPTION IN DECISION THAT SHOULD BENEFIT COMPANIES ACQUIRING A UNIONIZED BUSINESS

By: David V. Bryce
Masud Labor Law Group

In a recent decision, the National Labor Relations Board (the “Board”) narrowed the circumstances under which a business that acquires a unionized company must bargain with the union prior to setting the initial terms of employment. The decision, *Ridgewood Health Care Center, Inc.*, 367 NLRB 110 (2019), stands to benefit employers acquiring a unionized business through an asset purchase.

Understanding the significance of *Ridgewood* requires a review of existing law on when an asset buyer of a company must recognize and bargain with an incumbent union. The seminal case on the subject is *NLRB v. Burns Security Services, Inc.*, 406 U.S. 272 (1972). In *Burns*, the United States Supreme Court announced a two-part test for determining when an asset purchaser is a “successor” employer under the National Labor Relations Act (the “Act”), and thus must bargain with the incumbent union of the “predecessor” business. As held by the Court in *Burns*, an asset purchaser is a “successor” employer when it: (1) maintains substantial continuity in the business operations of

the “predecessor”; and (2) retains a majority of the “predecessor’s” union represented employees. Importantly, a buyer may not avoid being deemed a “successor” employer if it does not retain a majority of union represented employees due to anti-union animus. Put another way, a buyer must have a legitimate business reason for letting a union-represented employee go. Where discrimination is the reason a purchaser did not retain a majority of its “predecessor’s” unionized employees, the Board will find that the second prong of the *Burn’s* test is satisfied, and will order reinstatement of the non-retained union employees, with back pay.

When the *Burn’s* test is met, an asset purchaser is a “successor” employer who must recognize and bargain with the incumbent union. A “successor,” however, is often not required to bargain with the incumbent union prior to setting the initial wages, hours, and conditions of employment. Instead, the “successor” is generally free to establish the initial wages, hours, and working conditions, subject to its obligation to subsequently bargain with

the incumbent union and subject to applicable law (e.g. minimum wage). There are, however, exceptions to the rule that a “successor” employer can determine the initial conditions of employment prior to bargaining. Most significantly, the Supreme Court indicated in *Burns* that a “perfectly clear successor” must consult with an incumbent union prior to setting the initial terms and conditions of employment. The Court suggested that a successor” would be “perfectly clear,” and thus required to consult with the incumbent union prior to setting initial work terms, when it retained all of the “predecessor’s” bargaining unit employees, or would have done so absent anti-union motives.

Since *Burns*, the Board’s treatment

of what constitutes a “perfectly clear successor” has evolved considerably. Initially, in *Spruce-Up*, 209 NLRB 194 (1974), the Board stressed that an asset purchaser would qualify as a “perfectly clear successor” only in narrow circumstances where “the new employer has either actively or, by tacit inference, misled employees into believing they would all be retained without change in their wages, hours, or conditions of employment.” Subsequently, however, the Board began expanding the reach of the “perfectly clear successor” exception. For instance, in *Love’s Barbeque Restaurant* No. 62, 245 NLRB 78 (1979), the Board ruled that a new employer was required to consult with an incumbent union before setting the initial terms of

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employment when it engaged in unlawful hiring practices against “all” or “substantially” all of the predecessor’s union employees. The Board significantly expanded its ruling in *Love’s Barbeque in Galloway School Lines*, 321 NLRB 1422 (1996), holding that a successor employer could not set the initial terms of employment without consulting with the incumbent union if it failed to hire “some, but not all,” predecessor employees in order to avoid an obligation to bargain. Subsequently, several decisions by the Board during the term of President Obama expanded the “perfectly clear successor” exception to the point of swallowing the rule announced in *Burns* that a “successor” was generally able to set the initial terms of employment prior to bargaining.

The practical implication of the Board’s expansion of the “perfectly clear successor” exception was that asset purchasers who continued operations and retained a majority of the “predecessor’s” union employees were being deprived of the ability to set initial employment terms. Such conditions placed successors at greater financial risk, and increased the chances of an asset purchase failing, a result that threaten strain labor stability, the very thing the Board is tasked with protecting under the Act.

With its holding in *Ridgewood*, the Board has reined in the expansion of the “perfectly clear successor exception,” which should benefit employers acquiring a business with a unionized workforce. In *Ridgewood*, a new employer represented to the “predecessor’s”

unionized employees that it anticipated retaining close to 100% of them, and that it would adhere to the terms of the preexisting collective bargaining agreement. Despite its representations, the new employer ended up only retaining 49 out of 101 bargaining unit members under circumstances showing that it denied employment to four union members for the purpose of preventing the union from obtaining majority status, and thus avoiding any obligation to recognize and bargain with the incumbent union under *Burns*. The new employer then proceeded to unilaterally set the terms and conditions of employment for the business.

In response, the incumbent union filed an unfair labor practice charge alleging that the new employer (1) discriminatorily failed to hire the four-union employees, (2) violated the Act by refusing to bargain with the incumbent union, and (c) violated the Act by unilaterally setting the terms and conditions of employment without first consulting with the union. The union’s claims were heard by an administrative law judge (“ALJ”) who sided with the union on all three issues. Specifically, the ALJ applied *Galloway* to determine that the new employer was held to the standards of a “perfectly clear successor” because it refused to hire “some” union employees (four of them) to avoid triggering an obligation to bargain.









On appeal, the Board agreed that the new employer was a “successor” under *Burns*, and thus was required to bargain with the incumbent union.

The Board, however, disagreed with the ALJ's determination that the "successor" employer forfeited its right to set the initial terms and conditions of employment prior to any consultation with the incumbent union. According to the Board, since it was apparent that it was not going to hire "all" or "substantially all" of the bargaining unit members, the new employer could not be a "perfectly clear successor," regardless of any discriminatory intent by the new employer as to the four union employees in question.

In its decision, the Board overruled *Galloway* and in effect returned to the standard announced in *Love's Barbeque*. This is a positive for employers acquiring businesses with unionized workforces, as it likely allows such employers to set the initial terms

and conditions of employment without union consultation, except in cases where the new employer truly intends to hire all or substantially all of its "predecessor's" unionized workforce. Nevertheless, employers acquiring new businesses with unionized workforces should continue to take steps to avoid refusing to retain employees based on anti-union animus, as such discrimination can still have serious consequences, and should also be careful in their communications with employees regarding their intentions on retaining employees or making any changes to business operations or employment conditions. Any employer acquiring a business with a unionized workforce is strongly advised to contact labor and employment counsel for guidance.

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BANKRUPTCY CASE NOTES

By: Jack Weinstein

In 2013, the Ohio legislature enacted a statute to protect the holders of defectively executed mortgages. The Ohio Supreme Court found that because of the legislation that it served to provide constructive notice of the existence of a mortgage. However, the issue that developed was whether that legislation prevented bankruptcy trustees from avoiding defectively executed mortgages which issue came before the Sixth Circuit in the case of *Parker III, Trustee v PNC Mortgage Co.*, (In re: Jerry W. and Jennifer A. Oakes, 29 CBN 326, 2019 WL 1034198 (6th Cir. March 5th, 2019).

Debtors had purchased their home in May of 2002 granting a first mortgage to PNC Mortgage Co. (PNC). However, the recorded mortgage was not executed in accordance with Ohio law because the debtors' signatures were not acknowledged before a notary. In 2013, the Ohio Legislature had enacted legislation that provided "any person contesting the validity of effectiveness of any transaction referred to in a public record is considered to have discovered that public record and any transaction referred to in the record as of the time that the record was first filed with the Secretary of State or tendered to a County Recorder for recording".

After debtors filed for Chapter 7 relief, their Trustee attempted to avoid PNC's mortgage lien stating that it was not properly recorded. The Bankruptcy Court stayed the proceeding pending the Ohio Supreme Court's response to two certified questions in another case.

The Ohio Supreme Court responded that the statute applied to all recorded mortgages and that the statute acts to provide constructive notice of a recorded mortgage even if that mortgage was defectively executed.

After the Ohio Supreme Court's decision, the trustee filed an amended complaint and PNC filed an Answer along with a Motion seeking to dismiss it or for a judgment on the pleadings. The Bankruptcy Court; however, denied PNC's Motion stating that the constructive notice provided by the Ohio statute had no effect on the trustee's avoidance powers since the trustee could then be determined to be a "judicial lien creditor".

The Sixth Circuit BAP affirmed as did the Sixth Circuit Court of Appeals, both holding that the lack of notice is central to a trustee's ability to avoid a lien pursuant to §544(a)(3), but it did not prevent a trustee from seeking to avoid the lien pursuant to §544(a)(1) because under Ohio law, whether the

notice is constructive or actual, that does not affect the priority of recordings. Therefore, regardless of notice a defectively executed mortgage is not a perfected lien. The Sixth Circuit stated “though §1301.401 provides that a recorded mortgage, even if defectively executed, gives notice to the world, it does not make a defectively executed mortgage properly executed. Such notice is irrelevant considering whether the trustee may avoid PNC’s mortgage as a judicial lien creditor. As Ohio law makes clear that a judicial lien creditor may still avoid a defectively executed mortgage, even if he has notice of such mortgage. Thus, PNC recorded its mortgage but, because the mortgage was defectively executed, PNC did not perfect that mortgage as a judicial lien creditor, (would have) perfected his lien on the property upon the Oakes’s filing for bankruptcy. See In re: Ritchie, 416 B.R. 643. Therefore, under Ohio law because the trustee was the first to file a perfected lien, the trustee’s lien had priority – the trustee cuts ahead of PNC in line. Because the trustee in his role as a hypothetical judicial lien creditor was the first to perfect his lien on the property, his lien has first priority and

he may, pursuant to 11 USC §544(a) (1), avoid subsequent competing liens on mortgages such as PNC’s defectively executed mortgage. Thus, the trustee acting as a judicial lien creditor (and) is still able to avoid PNC’s mortgage even with notice of the defectively executed mortgage under §1301.401. Such notice is irrelevant for his status as a judicial lien creditor.”

May a creditor modify her Chapter 13 Plan to make payments beyond 60 months? That was the issue before Bankruptcy Judge Thomas J. Tucker in the case of In re: Nina Talison, 29 CBN 328, 2019 WL 1096694 (Bankr. E.D. Mich March 4th, 2019). Debtor had proposed to modify her Chapter 13 Plan in February of 2019, with a payment to be made in April of 2019. The issue was whether the Bankruptcy Court would allow the modification of her Chapter 13 Plan which expired in January of 2019.

Debtor’s 60 month Chapter 13 Plan was confirmed in December of 2013. On February 28th, 2019, she filed a document entitled “Chapter 13 Post-Confirmation Plan Modification For Debtor To Remit Funds Post Expiration And For The Chapter 13 Trustee To Be

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Allowed To Use Funds Received Post Expiration”

Debtor had proposed to pay \$2,219 to her Chapter 13 Trustee by April 4th, 2019. The payment would be used by the Trustee to complete the debtor’s obligation under her plan. However, the Bankruptcy Court found that the

proposed plan modification was impermissible because the plan as modified would exceed §1329(c)’s five year limit. Therefore, the court held that debtor’s plan expired on January 11th, 2019; and, the court could not approve any modification of debtor’s plan that called for payments to be made after that date.



SCBA
Christmas Party
Friday, December 06, 2019
6:00 – 11:00 P.M.
Horizons Conference Center

Saginaw County Bar Association Members

In order to improve the experience and value of being a member of SCBA some updates have been made to the email distribution list and Saginawbar.org website.

The new email address to reach all members of SCBA is allmembers@saginawbar.org.

You can still reach Kelli Scorsone directly at scba@saginawcounty.com.

If you click reply to an email from allmembers@saginawbar.org it will only go to the original sender of the email!

Saginawbar.org has been updated, when you get a chance I would encourage everyone to go to the site and visit the member directory, find yourself and double check the information is up to date. Kelli and I have been working through updating member information but if your information has changed in the last year, we may still be using old info. Also check that your Field of Practice is correct in your listing. You can email myself (kip@flexuremedia.com) or Kelli (scba@saginawcounty.com) with updated info/headshot if you would like changes to be made.

If you have any technical questions or need help with anything pertaining to the website or email distribution list feel free to reach out.

Kip LeGate
FLEXURE MEDIA GROUP
(517) 449-1276
Kip@FlexureMedia.com

MEET THE NEW PRO BONO COORDINATORS AT LEGAL SERVICES OF EASTERN MICHIGAN

Attorney Amy Meilink has been with Legal Services of Eastern Michigan for 28 years and knows many SCBA members from her early years doing divorce work. Over the past 20 plus years she has been a Supervising Attorney and focusing mainly on public benefits and disability work. For many years, she worked exclusively in LSEM's Midland office. She often feels like she has a new job every five years due to these changes. Well, now another change has occurred and she is wearing a new hat.

While Amy continues as the Supervising Attorney of the Saginaw office, she is now also the Pro Bono Coordinator. Because of the variety of her duties, she cannot do this job alone and works closely with the LSEM Saginaw Office Administrator, Jamie Clayton. They are now the Pro Bono team! For your convenience they can both be reached through one email: Saginawprobono@lsem-mi.org. Please add this email to your address book.

The name and email are different but the goal of the Pro Bono program remains the same: recruit private attorneys to represent clients in civil cases that LSEM cannot handle due to lack of

resources or lack of expertise. LSEM also uses pro bono attorneys to present at the Ask The Lawyer Nights, which can cover a wide variety of topics. Every month we run a Legal Advice Clinic where pre-screened clients are given advice and counsel or help completing forms. These clinics do not require



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any work beyond the clinic time, which is about four hours. Sometimes, attorneys at the clinics have taken a case after meeting with a client, but it is not required. For new attorneys, the clinic is a great way to get exposure to a variety of civil legal issues.

SCBA has a long history of great pro bono participation. We want to keep that going. Some things with our Pro Bono program may change; however, we want you to know that we want YOUR input. If you have an idea about how you can help, please let us know. If you have a certain expertise but you are not sure how it could be applied to the work we do, we want to hear from you!

If you feel that you don't have the time to really work on a case, remember that you can always financially support the work that we do. In the past, many attorneys have made donations directly to LSEM. Attorney donations must now come through the Access to Justice (ATJ) Campaign. ATJ is a collaborative centralized campaign, administered by the Michigan State Bar Foundation in partnership with the State Bar of Michigan, to increase resources for 16 regional and statewide civil legal aid programs in Michigan. The participating programs, including LSEM, encourage support through the ATJ Fund. The newly designed ATJ Campaign will raise funds across the state and distribute resources based on poverty populations, as well as impact and client need from the statewide legal services delivery system. Please go to <https://atjfund.org/history/> for more information. The bottom line is that your dollars given to the ATJ campaign WILL benefit LSEM, as much if

not more than if given directly to us. Plus, donating to ATJ is easy and can be done at the same time as you pay your Michigan State Bar Dues. **A donation by every attorney in our area, would greatly increase our resources and allow us to serve more low-income people!**

Finally, we would like to invite you all to attend the **SCBA Pro Bono lunch on October 23, 2019 at Noon at the Saginaw Club**. We will honor our Pro Bono Attorney of the Year, recognize our Honor Roll members and hear from the Honorable Christopher Nuechterlein, a retired federal magistrate. Please add this to your calendars and plan to attend!

IN THE NEWS

The newly formed **Saginaw Defenders Office**, which is now located at **803 Court Street**, sits in a stately mid-Victorian house on the corner of Court & Webster that for close to a hundred years has carried a destiny for serving the legal needs of the community wherein it resides.



www.review-mag.com
Robert E Martin
August 8, 2019

2019 NOMINATION FORM
for
SAGINAW COUNTY BAR ASSOCIATION
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 NOMINATION FORM
NO LATER THAN OCTOBER 1ST TO:
KELLI SCORSONE, EXECUTIVE DIRECTOR, SCBA,
scba@saginawcounty.com

Saginaw County Bar Association
Saginaw County Bar Association
Executive Director Kelli Scorsone
111 S. Michigan Ave.
Saginaw, MI 48602

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