



THE SUMMONS

Saginaw County Bar Association



Megan Cottington-Heath
SCBA Holli Wallace
Pro Bono Attorney of the Year



Hon. Elian E. H. Fichtner
The Edward J. McArdle Memorial Tribute

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)

Law Day Luncheon

Friday, May 1, 2020
Trillium Banquet Center

Mock Trials

Thursday, April 30, 2020
9:00am

Soup Kitchen Volunteers needed

(Call John Humphreys 989-401-2115 if you can serve)
Saturday, November 30, 2019
Saturday, December 28, 2019

SCBA Christmas Party

Friday, December 6, 2019
6:00 – 11:00 PM
Horizons Conference Center

Courthouse Closed
November 11th, 28th, 29th, 2019

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

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THE SUMMONS

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IN THIS ISSUE

President's Message.....	2
In Memoriam	3
Saginaw County Lawyers' Auxiliary.....	6
SCBA Executive Director's Report	8
Chief Judge Report	10
District Court Update.....	12
Sixth Circuit Disallows Contractual Agreements Shortening The Statute of Limitations for Title VII Claims	14
Bankruptcy Case Notes.....	16
Are You a Champion of Justice?	18
Pro Bono Honor Roll.....	20

SCBA Website

www.saginawbar.org

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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

I would like to begin with Congratulations to this year's Pro Bono Attorney of the Year – Megan Cottington-Heath! Megan had the highest number of pro bono service hours in Saginaw County this year and it was so wonderful to see her get the recognition that she truly deserves at the Pro Bono luncheon. I very much hope that many of you were able to attend this wonderful event that is meant to not only highlight why pro bono services are so important but to recognize and celebrate those that have made the commitment to go above and beyond to provide legal representation to those that may not have had the ability to obtain legal services otherwise. Thank you to all that make this event what it is today.

Another Congratulations is in order for this year's Edward J. McArdle Memorial Tribute Award winner, which was presented at the 33rd Annual Red Mass to the very deserving Judge Elian E. H. Fichtner. This award is presented each year to a lawyer or judge that has displayed legal excellence and has also made significant contributions to the community. Prior to being appointed to the bench, Judge Fichtner was extremely involved in Le-

gal Services of Eastern Michigan and would volunteer countless hours to pro bono services and legal advice clinics. She has served as Board of Directors for multiple institutions of our community including the Saginaw Community Foundation and Junior Achievement of Northeast Michigan, as well as serving as a very dedicated Treasurer for the SCBA for many years. Thank you to all those that attended this event as well.

I recently attended a State Bar of Michigan leadership meeting in Lansing and wanted to make sure that I called attention to the main reason that this meeting was held as well as give an idea of some of the things that local Bar Associations are doing to attract new membership as well as continue their long standing memberships. The meeting began with introductions from all of the leadership that was present and it was exciting to see such a great presence as there were representatives in attendance from every local bar in Michigan that employs an Executive Director. We each explained something that we are proud of that our association does and a weakness that we were looking for resources to fix. There were many things that I stated I was proud

of including this publication, The Summons, as well as our Law Day Mock Trials and festivities that are some of the largest in the state from what I hear. When it came to weaknesses, each association basically had the same concern – membership. There have been great strides with the State Bar to enhance membership from the beginning, which obviously starts at the law school level. It was exciting to hear that there are talks of starting a Law Student section to the State Bar with free membership and one representative per law school campus. This is a push to start membership early and promote being active right away. There were some great ideas from others at the meeting for promoting membership, such as scholarships, community service work, and name tags that denote members as opposed to non-members

at events (which didn't seem like much, but apparently this boosted membership with the county that implemented this change). Of course, the goal I mentioned earlier this year, of getting Courthouse parking pass availability to our members would be another benefit we hope would help with the sustainability of our association.

Although local bar association membership is not mandatory – State Bar of MI membership is mandatory to practice in this state. This leads me to the main reason that this meeting was held. In August this year, there was a suit filed against the State Bar of MI, which alleges among other things and very simply put that it is unconstitutional to require membership in an association to practice law in this state. They state that no other licensed profession in the state is required to join



In Memoriam

Honorable R. James Harvey – Died Saturday, July 20, 2019. He was born July 4, 1922 and was sworn in to SBM 1948. He served Saginaw as assistant City Attorney, City Council, Mayor and U. S. House of Representatives until 1973 when he was appointed to the U. S. District Court for the Eastern District of Michigan.

Frumeth Brenda Hirsh Polasky - P25557 died Thursday, October 3, 2019. She was born February 3, 1943 and was sworn in to SBM October 22, 1975.

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.



an association in order to practice and further state especially when that association is able to spend portions of dues paid on political speech and to support public policy positions that not all members may align with. There are approximately 20 states that do not require membership in a bar association to practice and there are also a handful of states that are also being sued in cases similar to Michigan's State Bar case.

Of course the meeting that I attended focused on updates to the case and basically outlining the reasons that voluntary membership could drastically change the way our state supports our public and members. Although the membership dues would be optional there are still required fees that get paid to the state, such as Access to Justice fee, discipline board fees and attorney grievance commission costs. Also, based on other states that have recently been required to go voluntary their dues were significantly raised to make up for the membership that would be lost and the current rate for dues of membership here are significantly less than most states, for now. Voluntary membership would also weaken the amount of support that is not only available to the members but

that is available to the public, which is actually the main focus of the State Bar of MI – protecting the public. Having an integrated bar, which is how the State Bar classifies a mandatory membership – also saves tax payer dollars by serving as the regulation of the legal profession, which is not being provided for by the State itself at this time.

Whichever way you believe is the right way – it remains to be seen. The case has not been heard at this time, however, the State Bar of MI did submit an amicus brief in a prior case *Fleck v. State Bar of North Dakota*, which was dismissed with affirmation of the dismissal August 30. Feel free to contact the SCBA or State Bar of MI directly with any questions or comments on this as we would love to hear from our members on this issue.

We hope you will join us for our upcoming membership meeting on the new civil court rules coming in January (date to be determined) and also our holiday party on December 6 at Horizons (please RSVP anytime to scba@saginawcounty.com) and if you run into John Van Benschoten or other members of the band Rust Bucket, voice your great wish of the season to hear them play at our party And of course have a wonderful Thanksgiving!

NOTICE

“Legal Services of Eastern Michigan has moved!

Our new address is 303 E. Genesee Street, 5th Floor, Saginaw, MI, 48607. We hope to be officially opened at that address on November 5, 2019. Please look for information on an Open House we will hold in December.”

The Saginaw County Bar Association
will hold a Memorial Recognition honoring

Frumeth B. Hirsh Polasky,
Francis B. Drinan,
Matthew A. Dambro
and
Hon. Russell James Harvey

on Thursday, November 7, 2019 at 10:30 am

in the Probate Court
Honorable Patrick McGraw presiding
Saginaw County Courthouse

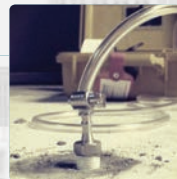
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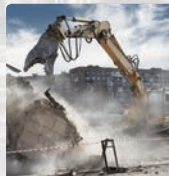
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SAGINAW COUNTY LAWYERS' AUXILIARY

By: Claudia J. Wallace

September is always a busy month for parents and students getting back into the routine of school and extracurricular activities but that didn't take away from Carrie Burns and Jennifer Jaffe hostessing the annual fall luncheon in style. Twenty-two women attended the event. We were served a Tuscan salad then created our own pasta dish from a variety of ingredients, choice of 3 pastas and 3 sauces in which chef Joey put together for us. Finishing touch was a sheet cake from the Patisserie with our own SCLA logo on it. From start to finish it was delicious. Creative Carrie created the centerpieces seen in the photo.

October 12th, Josh from Maple Grille, demonstrated "making pizza dough the right way". Included along with the chef's expertise was breakfast and coffee. Terry Oeming planned this event.

October 17th was Constitution Day.

October 24th was The Red Mass at St. Mary Cathedral at 6 p.m.



Looking at November 5th, the annual bow making party will be at Marty Triantafillou's

home which also is Election Day. Call Marty to let her know you are coming 989-791-2046. Be sure to vote and then come help create bows for the annual Wreath and Poinsettia Sale. Orders for the sale are due Friday, November 15th with pick-up Wednesday, December 4th 4-6 p.m. Pick-up location TBA. Please contact Pat Moore at 989-245-3545 or email her at pconleymoore@gmail.com with your orders.



2020 brings many fun events so make sure you stay in touch.

The SCLA Roster has been sent out so if you have not received it please call Terry Oeming 989-692-0322.



PICTURES FROM THE ANNUAL FALL LUNCHEON





SCBA EXECUTIVE DIRECTOR'S REPORT

By: Kelli Scorsone, Executive Director

2020 MEMBERSHIP DRIVE

SCBA Membership Dues – Due January 1st

We will be reaching out to members and prospective members in different formats to collect your 2020 dues. We are trying to make your dues paying process easy for all Saginaw Attorneys. We all have different styles these days of paying bills.

You will receive notice to pay by email and/or possibly letter. Forms of payment

may include online through website; check by mail; credit card; and cash, I will always take your cash—bring a check or cash to the Christmas Party along with your form.

It is Important to continue your membership. SCBA is a great local bar. It was founded 160 years ago by dedicated lawyers that came before you and has continued to be a strong bar with the great leadership of some of your fathers, uncles, brothers, and mentors. Please help keep it strong.

LEGAL NOTICE

Attorney Darrell R. Zolton of Zolton Law Offices, whose office is located at 190 East School Street, Frankenmuth, Michigan 48734, has been appointed receiver of the files of Attorney Robert J. Stroebel, now deceased, pursuant to a Court Order dated May 22, 2019 (Probate Court File Number 19-039465-PR).

The files of Robert J. Stroebel's former clients are now in the possession of Attorney Darrell R. Zolton, of Zolton Law Offices at the address listed above.

The files will be made available to the former clients of Robert J. Stroebel upon their request. A written notice may be mailed to former clients whose addresses are confirmed.

If you wish to pick up your file, transfer it to Zolton Law Offices or another law firm of your choice, you may contact Attorney Darrell R. Zolton by calling (989) 652-2671 and speaking with his legal assistant Cindy L. Beyerlein. If you do not respond, then the file will remain in storage at Zolton Law Offices.

LAW DAY 2020

Please make note of our Law Day dates which are Mock Trials April 30th, and Law Day Membership Meeting May 1st. Our Community High Schools are already signing up for Mock Trials. The script committee is diligently working on a Cyberbullying Script. And this year's ABA theme is



ABOUT THE 2020 LAW DAY THEME

Your Vote • Your Voice • Our Democracy: The 19th Amendment at 100

The Law Day 2020 theme is “Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100.” In 2019-2020, the United States is commemorating the centennial of the transformative constitutional amendment that guaranteed the right of citizens to vote would not be denied or abridged by the United States or any state on account of sex. American women fought for, and won, the vote through their voice and action.

The women’s suffrage movement forever changed America, expanding representative democracy and inspiring other popular movements for constitutional change and reform. Yet, honest reflection on the suffrage movement reveals complexity and tensions over race and class that remain part of the ongoing story of the Nineteenth Amendment and its legacies.

Speaking of Law Day! It is one of our great community programs. It is a joint effort by both the Saginaw County Auxiliary and this bar. We can always use new volunteers on the committee, and working with the schools. Let us know you want to take part.

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CHIEF JUDGE REPORT

By: Judge Patrick McGraw

On September 11, 2019 the Young Lawyers Section held a session on “Specialty Courts” with all of the Judges who run a specialty court being present.

This was a very innovative idea by the Young Lawyers Section of our local bar association and a great chance for all lawyers to hear from the Judges, sit with the Judges, and understand in a casual atmosphere how we handle our cases in these particular courts. I was very proud that all the Judges from the specialty courts were present, but a little disappointed in the number of lawyers that attended, that being approximately 9 or 10.

However, with that said, I am happy that there is some interest shown by the younger members of our Bar and

appreciate their willingness to learn, understand and meet with the Judges within our ethical bounds. Not to mention that our Executive Director Kelli Scorsone provided a light lunch which was well appreciated as we did this during our lunch hour for the benefit of the young lawyers and the Bar.

Judge David Hoffman of the Saginaw County District Court explained his Veterans Court to the group, indicating that Bill White is the attorney for his Court and that Bill also would be a resource for lawyers thinking of referring clients to that court. His presentation was very thorough and interesting.

Judge Janet Boes of the Saginaw County Circuit Court explained Drug Court with a change coming about this October in that Judge Borrello will be

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joining her as a second Drug Court Judge. Gena Amos is also a contact person for the young lawyers as she is the attorney in that particular program.

Circuit Court Judge Manvel Trice talked about his Sobriety Court, talking about how it was established with help from the traditional model but inserting his own program by virtue of his education and research on how this program might work in the Saginaw community for high risk and high need persons. Milli Shek was also in attendance and she is the attorney in Judge Trice's court.

Judge A.T.Frank of our Saginaw County District Court handles the Mental Health Court along with Judge Fichtner and he explained how they work with the community in resolving problems, also indicating that Renee Brisbois is their attorney.

District Court Judge Jurrens did a presentation on his Business Court with a very good handout. He is one of 15 counties who have a business court within the State of Michigan which serves the specialty Bar of Saginaw County with a specialty court docket.

Judge McGraw and Judge Jackson of the Circuit Court run the Swift and Sure Court. It was explained to those in attendance how our Court works on a graduated sanction basis and in helping those with felony records become productive members of society.

As I indicated in the beginning, I encourage all lawyers to attend these programs when offered and presented and I appreciate all of the Judges of Saginaw County who are willing to spend their time in meeting with members of our Bar. I think future programs with the Bench and Bar are welcomed; I understand there is a time commitment and it may be hard to do it at a particular time of day, but lunch hour seems to work the best for all. I would encourage after hour's meetings and would like to see the Bench and Bar get together on a more regular basis so that not only do we meet you, but you get to meet those members of the Bench in a more casual atmosphere.

Again, kudos to the Young Lawyers Section for this extremely interesting and informative event.

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DISTRICT COURT UPDATE

By: Judge M. Randall Jurrens

Application of MCL 768.27c, authorizing use of certain hearsay evidence in cases involving domestic violence, is the subject of this month's update.

In *People v Olney*, ___ Mich App __; ___ NW2d ___ (2019) (2019 WL 1211501), during the preliminary examination on felony charges involving domestic violence, the district court, in accordance with MCL 768.27c, permitted a police officer to testify regarding statements the complainant made as substantive evidence for the purposes of establishing probable cause. The circuit court reversed, holding the police officer's testimony was inadmissible because (1) the district court did not declare the victim-declarant "unavailable", and (2) the officer's testimony violated the Confrontation Clause.

However, the Court of Appeals found the circuit court erred because it imposed a declarant "unavailable" requirement not found in the plain and unambiguous language of MCL 768.27c:

(1) Evidence of a statement by a declarant is admissible if all of the following apply:

(a) The statement purports to narrate, describe, or explain the infliction or threat of physical injury upon the de-

clarant.

(b) The action in which the evidence is offered under this section is an offense involving domestic violence.

(c) The statement was made at or near the time of the infliction or threat of physical injury. Evidence of a statement made more than 5 years before the filing of the current action or proceeding is inadmissible under this section.

(d) The statement was made under circumstances that would indicate the statement's trustworthiness.

(e) The statement was made to a law enforcement officer.

Also notable, the Court of Appeals reiterated state and federal appellate court precedent that the Confrontation Clause does not apply at preliminary examinations; although, admittedly, MCL 768.27c may run afoul of the Confrontation Clause if the declarant is not available to *testify at trial*.

So, at least during the preliminary exam stage in cases involving domestic violence, certain hearsay evidence is admissible pursuant to MCL 768.27c regardless of the availability of the declarant.

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SIXTH CIRCUIT DISALLOWS CONTRACTUAL AGREEMENTS SHORTENING THE STATUTE OF LIMITATIONS FOR TITLE VII CLAIMS

By: David V. Bryce
Masud Labor Law Group

In a matter of first impression, the Sixth Circuit Court of Appeals issued an opinion on September 25, 2019, holding as unenforceable any contractual agreements between employers and employees that shorten the limitations period for Title VII claims. In view of the Court's holding, employers should carefully examine any contractual agreements they use to shorten the time-period available to an employee to file a lawsuit arising out of the employment relationship.

The case, *Logan v. MGM Grand Detroit Casino*, involved a culinary worker at a casino in Detroit. In the employment application used by the casino, the employee agreed to bring any claim or lawsuit arising out of her employment within 180-days of the occurrence giving rise to the claim or lawsuit. After working at the casino for several years, the employee alleged that she was constructively discharged due to discrimination against her by the casino. The employee filed a charge of discrimination with the Equal Employment Opportunity Commission (the "EEOC") 216-days after her constructive discharge. The EEOC

investigated the charge and issued a right to sue letter approximately 150-days later. Then, 440 days after her alleged constructive discharge, the employee filed suit against the casino alleging discrimination under Title VII.

The casino filed for summary judgment, arguing that the employee agreed in her employment application to bring any claim or lawsuit arising from her employment within 180 days. According to the casino, because the employee did not file her lawsuit until 440 days after her discharge, her claim was barred by the contractually agreed upon limitations period. The district court, adopting the report and recommendation of the magistrate, agreed with the casino and granted summary judgment in its favor.

On appeal, the Sixth Circuit reversed, holding that an employment agreement cannot contractually shorten the limitations period for discrimination claims under Title VII. The Court of Appeals principally based its holding on two considerations.

First, it noted that that Title VII contains its own limitations period. Specifically, in states with laws prohibiting

employment practices outlawed by Title VII, such as Michigan, employees generally have up to 300 days to file a charge of discrimination with the EEOC. Thereafter, the EEOC maintains exclusive jurisdiction over the charge for 180 days. At the end of that period, the EEOC typically issues a right to sue letter. Pursuant to Title VII, employees must file suit within 90 days of receiving a right to sue letter. Accordingly, Title VII itself provides a pre-suit framework wherein employees in states such as Michigan can file a lawsuit for discrimination under the statute up to as many as 570 days from the date of the occurrence giving rise to the suit. The Court of Appeals reasoned that because it contains such a detailed pre-suit mechanism for handling claims of discrimination, Title VII creates substantive rights with respect to limitations, and substantive rights cannot be prospectively waived by an agreement between an employer and employee.

Second, the Court of Appeals held that enforcing an employment agreement that abrogated an employee's rights under Title VII would frustrate the intent of the statute to create nationally uniform standards with respect to employment discrimination. On this point, the Court of Appeals reasoned that allowing states to impose their own limitations periods on Title VII claims, by, for instance, permitting contractual agreements that shortened the limitation period, would create different rights under the statute depending on which state an employee resided in. The Court of Appeals

held that such an outcome would be inconsistent with the intent of Title VII to provide for uniform federal rights across state lines.

The main takeaway from *Logan* is that absent the decision being overturned by the United States Supreme Court, employers can no longer use contractual agreements to shorten an employee's time period to file a lawsuit under Title VII. Employers, however, would be wise not to entirely abandon contractual agreements shortening limitations periods. This is because such agreements remain effective as to other claims. For instance, Michigan courts have held that a contract in the employment context providing for a 180-day limitations period is enforceable as to Michigan state law claims. Furthermore, even *Logan* recognizes that employers can shorten the limitations period by contractual agreement with respect to federal statutes that do not contain their own limitations period, such as ERISA. Accordingly, while they should revisit any contractual agreements relied on to shorten an employee's time to bring a claim arising out of the employment relationship, employers should be careful not too overreact to *Logan* by scrapping litigation waivers altogether. Considering the importance of protecting oneself against litigation in the employment context, employers are encouraged to consult with a labor and employment attorney on how best to adopt their practices to the holding announced in *Logan*.



BANKRUPTCY CASE NOTES

By: Jack Weinstein

Can a pre-petition tax sale of debtor's home be voided months after it occurred? That was the issue before Wisconsin Bankruptcy Judge G. Michael Halfenger in the case of Flores-Chaidez v City of Milwaukee (In re Emigdio Flores-Chaidez), 29 CBN 116, 2018 (Bankr. E.D. Wis. 10/26/18). In March of 2017, the City of Milwaukee brought an *in rem* action to foreclose unpaid tax liens on various parcels of debtor's property one of which included his house. In July of 2017, a Wisconsin State Court vested the City of Milwaukee with title to those various parcels of debtor's realty. In October of 2017, debtor filed for Chapter 13 relief. In March of 2018, debtor filed an Adversarial Complaint against the City of Milwaukee seeking to avoid the transfer of his property to the City under Section 548(a) (fraudulent transfer) and Section 522(h) (impairment of debtor's exemptions).

The City responded to debtor's Motion for Summary Disposition stating that it did not dispute debtor's affidavit of facts nor did it have any evidence contrary to debtor's Motion.

Judge Halfenger, in his decision, stated that "the debtor's filings for Summary Disposition, to which the City declined to respond, shows that the State Court

transferred the debtor's property to the City less than two years before the debtor filed his Chapter 13 Petition; the value of the property was \$75,000.00, but it was transferred in satisfaction of \$9,778.46 in delinquent property taxes, which is less than a reasonably equivalent value; and the transfer left the debtor insolvent,...thus, the transfer of the debtor's property to the City is avoidable by the Trustee under Section 548(a) and...the debtor can avoid the transfer under Section 522(h) to the extent that he could have exempted the property had the Trustee avoided the transfer."

Further, the Court noted that debtor's schedule showed that, in addition to the taxes owed to the City, the property was subject to a Mortgage securing the debt in the amount of \$59,831.70. Therefore, debtor had equity in his home that he could have exempted if the Trustee had avoided the transfer. Therefore, Judge Halfenger entered an Order avoiding the transfer and restored to debtor ownership of his home.

Is a bankruptcy notice served on debtor's counsel sufficient to alert a creditor who did not receive actual notice of a debtor's subsequent bankruptcy filing? That was the issue in the

case of *In re: Sobhi Rady*, 29 CBN 110, 2018 (Bankr. N.D. Ohio 10/17/18). In that case, debtor filed for Chapter 13 Relief in October of 2013. He scheduled debts owed to a certain creditor. On April 25th, 2014, debtor objected to that creditor's Proof of Claim. Five days later, the Trustee moved to dismiss debtor's case for failure to make plan payments. On May 8th, 2014, Mr. Gertz, an attorney, filed his firm's Notice of Appearance and Request for All Notices on his client creditor's behalf be sent to his law firm. The statement made was "all future notices in this case" be issued to his law firm, Goldman & Rosen. Gertz responded to the Objection to the creditor's claim.

Debtor's first case was dismissed on September 14th, 2015, after debtor stated that he had no opposition of the Trustee's Motion to Dismiss the case. However, debtor re-filed a second Chapter 13 Petition two days after the dismissal of this first case. He again listed the same creditor but listed the address in the care of creditor's law firm.

The claim bar date for the second case was January 27th, 2016. Gertz did not enter an Appearance on his client's behalf in the second case until July 28th, 2016, when Gertz asked the Court to set a 30-day period to file Proofs of Claim.

In the creditor's motion, Gertz stated that his firm failed to file their client's Proof of Claim prior to the deadline because their client was out of the country. However, the Bankruptcy Court denied the motion, finding that the notice sent to the creditor's attorney was legally sufficient to put the creditor on notice of the commencement of debtor's second Chapter 13 Bankruptcy. In reaching that conclusion the Court found a

sufficient nexus between Gertz's law firm's prior representation of the creditor, and the creditor's claim listed in the debtor's second bankruptcy.

Bankruptcy Judge Alan M. Koschiik held that "this is not a case in which an attorney represented the creditor in a state or non-bankruptcy action against the debtor years prior to the bankruptcy filing. Nor did the attorney represent the creditor in a prior matter that could be characterized as unrelated or merely tangential to his client's bankruptcy claim. Mr. Gertz represented the movants in the previous bankruptcy case of the same debtor, in the same Bankruptcy Court, that had been dismissed only two days earlier. While Mr. Gertz received ECF Notice of that Dismissal, the Court's BNC Services of the Dismissal was mailed out on September 16th, 2015, the same date the debtor filed his second Petition." The Court found it difficult to imagine a closer nexus that existed. The same debtor filed a petition under the same chapter of the Bankruptcy Code in the same week that his first case was dismissed. The debtor listed substantially the same creditors, including the creditor's law firm's address, with substantially the same claims.

The creditor asked the Court to extend the deadline based on excusable neglect. However, the Court said that the "excusable neglect standard" of Bankruptcy Rule 9006(b)(1) does not apply to extensions of time to file Proofs of Claim in either a Chapter 7 or Chapter 13 case.



ARE YOU A CHAMPION OF JUSTICE?

By: Amy L. Meilink

October 20-26, 2019 was National Pro Bono Week. In this issue of The Summons, you will see the many SCBA members on the Honor Roll for their pro bono participation over the past year. This list is based on time spent serving clients through Legal Services of Eastern Michigan (LSEM). Some at-

torneys did direct representation, some helped at our monthly Legal Advice Clinic, some helped during our Ask the Lawyer nights, and some supported our attorneys in areas outside our specialties. As you can see there are many ways to help.

We also know that many of you like to donate directly to LSEM and want your money to stay local. However, this year you will be directed to the Michigan State Bar Foundation Access to Justice (ATJ) Campaign if you wish to donate. (You may have also seen information about the campaign on your state bar dues.) By donating to ATJ, your money will be leveraged and LSEM will definitely receive the benefit! Let me explain.

LSEM serves clients in fourteen counties. Our fourteen counties contain about 15% of the state population living in poverty and eligible for our services. Only about 6% of the state licensed attorneys who practice live in those same fourteen counties. While the percentage of the state population living in poverty in Detroit is 40%, about 57% of the state licensed attorneys practice there. This means there are more attorneys in Detroit to provide pro bono services and to



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make financial contributions. The newly designed ATJ Campaign will raise funds across the state and distribute resources based on poverty populations. So, LSEM does not just receive the money that attorneys in our area contribute; we also receive additional money based on our poverty population. By participating in the ATJ we are benefiting more and so are the clients we serve. This is why we ask you to contribute to the Access to Justice Campaign.

I know that judges, private attorneys, court staff and agency partners are often discouraged by the case we do NOT take. The Saginaw office serves Saginaw County and seven surrounding counties with seven attorneys and three paralegals. Some of our attorneys are tied to specific grants and specific populations. We simply cannot meet the demand and must always consider staff and resources when taking a case for direct representation. It is not an easy

decision. When we cannot do direct representation, we always try to give the client pro se advice or limited assistance. We often refer clients to www.michiganlegalhelp.org for more information. However, it is always a balancing act.

Your donations can make a difference. Per the state bar directly, there are currently 439 licensed attorneys in Saginaw County. If each of them gave the recommended contribution of \$300, that would be \$131,700! With that we could hire 2 more staff attorneys and other support staff. We would have resources to pay for appraisals, experts, investigations, and surveys - things our clients simply cannot afford but are important to the outcome of their case.

Yes, your donation DOES make a difference locally. Please be a Champion of Justice. Please give to the Access to Justice Campaign. <https://e.michbar.org/Donations/ATJ?ID=ATJ>

YOUNG LAWYERS SEPTEMBER MEETING ~ *Topic "Specialty Courts"*



Thank you Judge Hoffman, Judge Jurrens, Judge McGraw, Judge Trice and Judge Frank for your presentations.

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Andrew Titus

~Bronze~

Participation

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Carolyn Bernstein
Alexandria Brady
Sharon Burgess
Joseph Collison
Nathan Collison
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Kirk Ellsworth
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Legal Services of Eastern Michigan would also like to thank everyone who made a donation to the Access to Justice Campaign. Please see a list of statewide champions at <https://atjfund.org/champions/>. We appreciate your support!



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