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PROFILE IN BRIEF

BY TARYN HARTMAN
Legal News

James Rosenfeld No ordinary Fellow



James Rosenfeld

It isn't easy for someone in James Rosenfeld's profession to become a "fellow."

At least that is the case when referring to lawyers across the United States in terms of becoming a member or fellow of The College of Labor and Employment Lawyers. Rosenfeld, a shareholder with Butzel Long in Detroit, was inducted into The College of Labor and Employment Lawyers during the 14th Annual Induction Dinner on November 7 in Washington, D.C.

The College of Labor and Employment Lawyers is a prestigious and highly limited national honorary of employment law practitioners. The College began as a nonprofit professional association honoring the leading lawyers nationwide in the practice of labor and employment law. Yet it has now evolved to become an intellectual and practical resource for the support of the legal profession.

The primary purpose of the College is recognition of individuals, sharing knowledge and delivering value to the many different groups who can benefit from its value model. With that background, it is clear that Rosenfeld is recognized as one of the leading lawyers in his field, as manager of Butzel Long's Labor and Employment Practice Group.

"It's not something I expected but it is an honor that I'm truly fortunate to have received," Rosenfeld said.

Becoming a Fellow in the program requires endorsements from a variety of legal professionals. That includes not just fellow defense attorneys but plaintiff's attorneys, mediators, arbitrators and judges, said Butzel Long partner and colleague, Daniel Tukel, chair of the firm's Labor and Employment Department.

"It is only bestowed upon someone if they have a broad level of support from colleagues not just locally but around the country," Tukel said. "(Becoming a fellow) is a singular honor. It not only requires the highest level of lawyering, but significant contribution to the labor and employment field."

That's one of the things about this recognition that makes it so special is that recipients need to receive support from individuals all across the legal spectrum, Rosenfeld said.

"I can now draw upon papers and opinions from fellow members of the College which can be a significant help to my own practice," Rosenfeld said. "But you really need to be on top of the information to ensure you are representing your clients to the best of your ability."

Being a Fellow in the College allows Rosenfeld greater access to networking opportunities and the sharing of legal information with his peers around the country. That is an increasingly important consideration because practicing law in this area is increasingly challenging, Rosenfeld said.

He has extensive experience in litigating a wide variety of labor and employment cases, including trial and appellate work in both state and federal court. Rosenfeld also has experience negotiating collective bargaining agreements, and handling labor arbitrations, and training employers on compliance with employment and labor laws.

"To be a member of the College I've learned that you do have to be very active in the profession."
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Worthy defensive over public defender bill

Prosecutor's office is overburdened, too, she says

BY JOHN MINNIS
Legal News

Wayne County Prosecutor Kym Worthy went on the defensive Monday, Dec. 14, defending her office and, at the same time, giving tepid support for a bill that would create a statewide public defender's office.

"I support 90 percent of what is in this bill," Worthy told state lawmakers at a House Judiciary Committee hearing on HB 5676 held at Wayne State University.

"I'm not necessarily opposed to a centralized system," she said, "but there is more corruption in that sort of system."

The hearing in the Student Ballroom at Wayne State followed a House Judiciary Committee briefing on the state of public defense in Michigan. U.S. Rep. John Conyers Jr., D-Detroit, chairman of the House Judiciary Committee in Washington, D.C. attended the briefing, as did Dickinson Wright Chairman Dennis Archer, a former Michigan Supreme Court justice and former mayor of Detroit.

HB 5676 would create a public defense commission within the judiciary branch of government. The public defense commission would consist of nine members appointed by the governor from among recommendations made by the state Supreme Court, judges' associations, the State Bar of Michigan and the Criminal Defense Attorneys Association.

The commission would hire a state public defender and divide the state into public defender regions. Each region would have a public defense office under the supervision of



Photo by John Minnis
Wayne County Prosecutor Kym Worthy and Assistant Prosecutor Robert Moran testified Monday before a Michigan House Judiciary Committee hearing at Wayne State University.

a regional public defender. The public defender's office would hire in-house defense attorneys as well as contract private practice attorneys. A government public defender's pay would be no less than an assistant prosecuting attorney.

The state public defender's office would be independent of the judiciary and would seek its own funding from the Legislature. Currently, the counties provide funding for public defenders.

HB 5676 was co-sponsored by state Reps. Bob Constan, D-Deborn Heights, and Justin Amash, R-Cascade.

"Justice shouldn't come down to funding," Worthy said. "Funding should be more uniform from county to county, I agree."

Worthy was referring to the 83 county prosecutors' offices as much as she was public defenders.

Inferring the constitutional right to legal defense counsel, Worthy said, "There is no constitutional mandate to effective prosecution."

Public defenders are overworked and underpaid? So is the prosecutor's office.

Assistant Wayne County Prosecutor Robert Moran, who attended the hearing with his boss, pointed out that his office processes some 75,000 cases a year with 120 attorneys, not counting the remaining 25 attorneys who are managers. That works out to 625 cases per working attorney — not that much different than the caseload overworked public defenders are complaining about.

Worthy further wondered about the cost of a state public defense system.

"If I added right," she said, "it would cost \$208 million for this bill. All 83 prosecutors only get \$175 million."

Worthy further questioned the bill's lofty goal of providing effective public defense uniformly across the state.

"When you talk about the awesome power of the state," she said, "that's laughable to me."

When asked if she saw any benefit to a bet-
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Confessions of a Condor

JUDGE MARK J. PLAWECKI

General impressions

Witness the end of the Empire -
The Romans of our Time.

— Sam Roberts

The most recent Pew poll indicates that Americans support the proposed "surge" in Afghanistan by an impressive 57-35 percent margin. Not only does a majority of citizens approve of President Obama's action to contain about 100 al-Qaeda members, they should be greatly heartened by the knowledge that said surge is already working. It is a success for the following groups and persons:

Private Contractors. Though rarely mentioned in the mainstream media, there are now about 105,000 PCs in Afghanistan, or roughly one per projected U.S. soldier. That figure is up a whopping 40 percent since June. Seventy-eight thousand are locals, but international corporations led by Dyncorp (proven wasters of millions of dollars in Iraq) are employing the natives at competitive rates.

Base builders. The virtually unnoticed "embassy" being constructed in Islamabad, which will soon serve as diplomatic center for Af-Pak (at the "cost-efficient" price of \$736 million), is to be the second largest such structure on the planet. Only our fortress in Baghdad's Green Zone will contain more fast-food restaurants. These embassies, of course, are/will be walled-in compounds and city-states within nations, but should impress as tourist attractions. Afghanistan's \$200 million Bagram Air Base, left by the Soviets as a reminder of their success, leads dozens of smaller but significant outposts now underway throughout the provinces.

The Afghan government. The Karzai regime, ranked among the five most corrupt in the world, will now get many billions for "development." Thirteen billion dollars already spent in this area has admittedly gone to waste, but after only eight years there it is reasonable to assume we've ironed out the kinks. Karzai's brother, a major drug lord, is on the CIA payroll, so one can't claim that the drug trade at least isn't being developed. And now the Afghan Prez says his forces won't be ready to be on their own "for 15 or 20 years," so the U.S. taxpayer can look forward to being thegifter who keeps on giving.

The trainees. One quarter of these stalwarts deserted last year, and one third of those completing training are only attending 50 percent of the required courses. But when these ill-equipped and drug-addicted protectors reach the desired number 400,000, Lanctotians should sleep more easily at night.

The Taliban. Our own officials in Kabul admit that western intelligence agencies within NATO are bribing our enemies so that supply convoys can reach intended destinations. Also, many private contractors are reportedly paying a cut (10 to 20 percent) to the insurgents on most contracts. It is not

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Judicial Jingle



Photo by John Meiu

The Association of Black Judges of Michigan (ABJM) hosted its holiday party on Friday, Dec. 4, at the home of Wayne County 36th District Court Judge Deborah G. Ford (third from right). Among those enjoying the festivities were (l-r) Third Judicial Circuit of Michigan Judges Edward Ewell and Lynne Pierce; Wayne County 36th District Court Judge Patricia Jefferson; Retired Judge Theresa Doss; Wayne County Probate Court Judge Judy Hartsfield, ABJM president; Third Judicial Circuit of Michigan Judges Gershwin Drain, Jim Chylinski, and Linda Parker; Third Judicial Circuit of Michigan Juvenile Division Referee Harriet Harris; Wayne County 36th District Court Judges Pennie Millender and Paula Humphries; and Jerome Watson of Miller, Canfield, Paddock, & Stone PLC.

DAILY BRIEFS

Jaffe Raitt Heuer & Weiss opens office in Naples, Fla.

Michigan-based Jaffe Raitt Heuer & Weiss, P.C. announced this week that it has opened an office in Naples, Fla. Jaffe CEO Rick Zussman made the announcement.

"Our expansion into Florida is a natural one for us," says Zussman. "Many of our clients have homes or businesses in the region and have an ongoing need for our services locally. We also see an outstanding opportunity to leverage our full service business, bankruptcy and wealth transfer experience and depth."

The firm currently has seven attorneys licensed to practice law in Florida. Jaffe has more than 100 attorneys and offices in Southfield, Detroit, Ann Arbor, Naples and Jerusalem.

Miller Canfield attorney serves on Girl Scouts board

Miller Canfield principal, Kathryn L. Ossian has been appointed as a Director-At-Large to the volunteer board of directors for the Girl Scouts of Southeastern Michigan.

Ossian heads up the legal team that counsels Fortune 500 companies, second-stage businesses and technology companies in all aspects of information technology, web-related agreements, internet use and e-records policies. She received her J.D. from Michigan State University College of Law and B.A. from Michigan State University.

Court closings

The Wayne County Probate Court will close for the holiday season at noon on Tuesday, Dec. 23 and reopen on Monday, January 4 at 8 a.m. The court will be open Dec. 28, 29, and 30 from 8 a.m. to 4:30 p.m. to accept pleadings, and to conduct mental health and emergency hearings.

The 36th District Court will be closed Thursday, Dec. 24 and Friday, Dec. 25 in observance of Christmas Eve and Christmas Day. Only criminal arraignments will be conducted. The court will be open on Monday, Dec. 28 through Wednesday, Dec. 30, from 8 a.m. to 4:30 p.m. to accommodate the following limited services: Ticket fine payments and bond postings; civil case filings and pleadings; criminal arraignments.

The court will be closed on Thursday, Dec. 31 and Friday, Jan. 1. Only criminal arraignments will be conducted.

The Third Circuit Court Civil, Criminal and Family Divisions will be closed Thursday, Dec. 24 and Friday, Dec. 25.

The Third Circuit Court will be open Dec. 28, 29, and 30 for essential services only, including criminal arraignments, probation violation, and failure to appear warrants, personal protection orders, parental waivers, and other emergency civil and family division matters. The County Clerk's Office will be open to accept civil and domestic relations pleadings and new case filings 8 a.m. to 4:30 p.m. on those days.

The court will be closed on Thursday, Dec. 31 and Friday, Jan. 1 and will re-open on Monday, Jan. 4. The emergency procedure that is posted in the Detroit Legal News every Friday should be followed for any after-hour emergency matter.

Official Newspaper:

- City of Detroit
- Wayne Circuit Court
- U.S. District Court
- U.S. Bankruptcy Court



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Capital management trust a quality risk
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John Sase reflects on 12 real riches
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Artists transform Detroit's blight into works of art
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SASE:

Good mental attitude valuable

From Page 1

tion, many more Americans self-medicate with alcohol and both legal and illegal drugs.

We might say that current national and global political and economic conditions bear the blame for this scenario. However, in spite of the wars, plagues, famines, and oppression that have occurred during the past millennia, the human condition remains relatively constant. Therefore, we may observe that the attainment and maintenance of a positive mental attitude has eluded a significant portion of humankind since our beginnings. Many turn to religion, spirituality, meditation, and ritual to reach a sustainable state of a positive mental attitude.

Since the dawn of humanity, we have evolved rituals that coincide with the daily and annual waning of sunlight. Christian religions conduct Vespers, a time of prayer at sunset. Muslims around the world perform sunset prayers known as Maghrib. Buddhists in Nepal and other places raise flags at sunset. Every week, most Jews observe the Sabbath from sundown to sundown.

Annually, humankind has observed and developed rituals of light that coincide with the waning of the sun to Winter Solstice. Currently, this day, which marks the shortest duration of sunlight in the year, occurs around the 21st or 22nd of December. However, the Winter Solstice in Europe was set to the 25th of December on the Julian calendar in 45 BCE, which led to the observation of Christmas on this date. As human society and religions advanced, these celebrations took on a diversity of forms. These include: Hanukkah, the Festival of Lights; Christmas, the birth of the Light of the World; Bodhi Day, the Buddhist Day of Enlightenment; the Muslim feast of Eid ul-Adha, which celebrates the willingness of the prophet Ibrahim to sacrifice his son; and Kwanzaa, the Pan-African festival. These ritual days have overshadowed the more ancient celebrations of light. The major ones include the Roman

Saturnalia and Festival of the birth of the Unconquered Sun; the Persian feast of Yalda, the celebration of the longest night of the year; Inti Raymi, the Andean Festival of the Sun; and Yule, the Germanic Winter Solstice Festival.

All of these celebration, ancient and modern, have embodied the achievement and preservation of a positive mental attitude in, literally, the darkest hours. How valuable is this final component of things that constitute real riches? Addressing attorneys as an expert witness, I would suggest measuring the annual consumer spending associated with the celebration of these rituals. As a human being speaking from the heart, I would suggest that an individual and collective positive mental attitude is priceless.

At this time of the year, my collaborator Gerard J. Senick and I would like to extend our best wishes to all the attorneys, legal assistants, law students, experts, and others who read this column, regardless of which ritual one chooses to observe or not to observe. We hope that each of our readers will attain and enjoy their own optimal balance of these twelve things that constitute real riches throughout the forthcoming year. Peace.

Dr. John F. Sase of SASE Associates, Economic Consulting and Research, earned his MBA at the University of Detroit and his Ph.D. in Economics at Wayne State University. He is a graduate of the University of Detroit Jesuit High School. Dr. Sase can be reached at (248) 569-5228 and by e-mail at drjohn@saseassociates.com.

Gerard J. Senick is a freelance writer, editor, and musician. He earned his degree in English at the University of Detroit and was a Supervisory Editor at Gale Research Company (now Cengage) for more than 20 years. Currently, he edits books for publication and gives seminars on writing. Mr. Senick can be reached at 313.342.4048 and by e-mail at gary@senick-editing.com.

In the Courts

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MISSOURI

Motives in eminent domain measure scrutinized

Attorney recorded saying intent was to delay petition drive

By DAVID A. LIEB
Associated Press Writer

JEFFERSON CITY, Mo. (AP) — A Missouri group backing ballot initiatives limiting the use of eminent domain claimed Monday to have recorded evidence that opponents are using the courts to try to delay its petition drive.

Missouri Citizens for Property Rights has proposed a pair of constitutional amendments for 2010 that seek to prevent a person's home, business or other property from being condemned for private development, such as a shopping center.

A state appeals court panel was to hear a challenge Tuesday to the summaries approved by the secretary of state's office to appear on the petition-signature sheets and the ballot. Supporters are waiting for the case to be resolved to begin gathering petition signatures, which are due by May 2.

In a court filing Monday, initiative sponsors produced an audio recording of a Nov.

20 meeting of The Missouri Bar's eminent domain committee. At that meeting, a female lawyer for a firm representing the Missouri Municipal League can be heard saying that the group achieved a partial victory when a Cole County judge in June rewrote the summary for one of the initiatives. Both the secretary of state's office and the Municipal League appealed that decision.

On the recording, which was reviewed by The Associated Press, the attorney explains that the case is being appealed "with the main objective being to delay the gathering of signatures, and hopefully we're accomplishing that."

In an affidavit attached to the court filing, St. Louis attorney David Roland said he used a pen that doubles as a recorder to get the audio of the meeting. He identified the woman heard speaking as Carrie Hermeling, a partner at the St. Louis office of Husch Blackwell Sanders LLP.

Hermeling did not immediately return phone messages left Monday on her office

voicemail and with her assistant.

Gary Markenson, executive director of the Missouri Municipal League, denied that the group's legal challenge was intended to bog down the ballot initiatives and delay the petition-signature drive. After being read the attorneys' recorded quote, Markenson replied: "That's just not the case."

"The main objective of the lawsuit was to come up with fair and impartial ballot language," Markenson added. "The ballot language that the secretary of state put on we thought was totally misleading and inappropriate."

Ron Calzone, the chairman of Missouri Citizens for Property Rights, said he filed the audio recording with the court to support a future motion seeking penalties against the law firm. He cited a Supreme Court rule prohibiting attorneys from using the courts "to harass or to cause unnecessary delay or needless increase in the cost of litigation."

In court documents filed later Monday, attorneys at Husch Blackwell Sanders

described Calzone's motion as "baseless" and said they have neither harassed initiative proponents nor caused any unnecessary delay in the litigation. To the contrary, the attorneys noted they agreed to a sped-up appellate schedule.

Although no law prevents groups from gathering petition signatures while their ballot summaries are challenged, Calzone said it would be foolish to start now because any signatures collected under a summary later overturned cannot be counted.

With little time available to get the roughly 150,000 signatures needed for each petition, supporters will have to make greater use of paid petition circulators instead of volunteers, Calzone said. That could increase costs by several hundred thousand dollars, he added.

"We have an organization of municipalities using taxpayer resources, indirectly at least, to keep taxpayers from voting on a public policy measure — there's something just plain wrong about that," Calzone said.

GEORGIA

Two men sentenced for aiding terrorists with videos of landmarks

Prosecutors admit pair never posed imminent threat to U.S.

Prosecutors admit pair never posed imminent threat to U.S.

By GREG BLUESTEIN
Associated Press Writer

ATLANTA (AP) — Two Georgia men were each sentenced to more than 10 years in prison Monday for plotting to aid terrorists by sending homemade videos of Washington landmarks overseas and traveling abroad to try to turn their anti-American rhetoric into action.

Ehsanul Islam Sadeque, 23, was sentenced to 17 years in prison after a jury found him guilty of four terror-related charges in August. He faced a maximum sen-

tence of as many as 60 years behind bars.

Hours later, Sadeque's friend Syed Haris Ahmed was sentenced to 13 years in prison on a charge of conspiring to support terrorist groups. The 25-year-old could have received as many as 15 years in prison after his June conviction.

The men, who are both U.S. citizens, were also sentenced to 30 years in supervised release.

In separate trials, the two sought to portray their online discussions about jihad as empty talk, and prosecutors acknowledge they never posed an imminent threat to the

U.S. But prosecutors say the two took concrete steps when they sent choppy video clips of landmarks to suspected terrorists and traveled abroad to meet with contacts.

"This is not about the defendants' religion," said Robert McBurney, an assistant U.S. attorney. "We're here because actions they took posed a significant threat."

The sentencing by U.S. District Judge Bill Duffey came after a bizarre hearing in which Sadeque, who represented himself, gave a rambling 50-minute sermon about Islam. Sadeque broke into prayer and melodic chants several times and recited Quran passages in Arabic and English.

"I submit to no one's authority but the authority of God," he said.

Duffey responded with a stern speech, saying that Sadeque acted with cold calculation and never showed remorse for his actions.

"You have every right to reject our country and its values and to openly criticize it," he said. "But what we don't allow is to engage in crimes that put others at risk. And this is what you're being held accountable to today."

Ahmed also took an unusual

approach. He spent most of his later hearing trying to convince the judge that he never intended to follow through on his rhetoric. But then he asked for the maximum sentence, vowing to use his time behind bars to preach his faith.

"If you give me 15 years," he said, "it will be more pleasing than time served."

Duffey, sounding agitated, said he would not be manipulated.

"You've taken bits and pieces of the evidence to justify that you were a naive young man manipulated to join this conspiracy," he said. "But you are a smart, calculated and committed young man. Committed to conduct that we abhor, conduct that we punish."

Federal authorities had been tracking the two men for more than a year before apprehending them. Sadeque, they said, first sought to join the Taliban in December 2001 and then spent the next few years delving deeper into radical online forums and meeting other supporters.

One was Ahmed, a former Georgia Tech student who quickly became friends with Sadeque. Authorities say the two took a bus to Toronto in March 2005 and met

with at least three other subjects of a federal investigation to discuss possible attack targets.

A month later, the pair drove Ahmed's pickup truck to Washington and shot 62 clips of sites including the U.S. Capitol, a fuel depot and a Masonic Temple in northern Virginia, authorities said.

One of the videos, which was played for jurors at both men's trials, showed the two driving by the Pentagon as Sadeque said: "This is where our brothers attacked the Pentagon."

Sadeque was also accused of trying to aid a Pakistani-based terror group while on a trip to Bangladesh in 2005, and prosecutors said Ahmed traveled to Pakistan in July 2005 in an unsuccessful attempt to study in an Islamic military school and possibly join a militia.

Supporters of the two men, who packed the downtown Atlanta courthouse, were sullen after the sentences were handed down.

"It was extreme and not just," said Samia Ahmed, the sister of the defendant. "There were no crimes committed and they were punished for their thoughts and not actions."

CONDOR:

How long can the U.S. military continue to operate as it is?

From Page 1

true, though, that the State Department has proposed putting the Treasury Department on the terror-watch list.

The NSA/CIA. A threefold surge in diplomatic, intelligence, and civilian officials is expected. The CIA, now demoted to fourth place in our extraconstitutional intelligence agency hierarchy, can perhaps break into the top three again.

Our super secret National Security Agency (number of employees — classified) is now building, for \$2 billion, a data info center in Utah that will not only be much larger than the U.S. Capitol, but will use as much energy as every house in Salt Lake City combined. More Afghan money means more for the NSA, too. We must continue to care and feed Big Brother.

Centcom. During the Vietnam War, the power that Military Assistance Command - Vietnam (MACV) had on overall military strategy was limited. There were three other regional commands, and there was a Cold War going on.

Today, U.S. Central Command covers 20 Middle East and Central Asian countries, covering all key ones in the "war on terror," and dominates U.S. foreign policy as no other single organization in our nation's annals.

Scott Ritter argues Centcom "has morphed into a virtual nation-state, operating largely independent of traditional checks and balances." The charismatic General David Petraeus runs this entity.

Stanley McChrystal. General McC, whose adroitness in covering up the truth of NFL star Pat Tillman's death by friendly fire

earned him not punishment but promotion, is now being lionized by a fawning media ever ready to make new heroes. Can David P. or Stan the Man join the Pantheon of history book generals like Pershing, MacArthur, Patton, and Schwarzkopf? Stay tuned.

One general ignored by our high school texts is Smedley Butler.

Up until World War II, Old Gimlet Eye was the most decorated Marine in U.S. history. But he's been left out of the Pantheon for good reason.

Of his 33-year career in the Corps he stated: "I spent most of my time as a high class muscle man for Big Business, for Wall Street and the bankers. In short, I was a racketeer, a gangster for capitalism. I helped make Mexico safe for American oil interests in 1914. I helped make Haiti and Cuba a

decent place for the National City Bank boys to collect revenues in. I helped purify Nicaragua for Brown Brothers Banking House in 1902-1912."

Butler also mentioned success in Honduras, the Dominican Republic, and China, before concluding, "Looking back on it, I might have given Al Capone a few hints. The best he could do was operate his racket in three districts. I operated on three continents."

Today, our military operates on six continents. How long a nation nearing bankruptcy continues to allow these workings will be fascinating fodder for future historians.

Mark J. Plawewski is a District Judge in Dearborn Heights. Confessions of a Condor offers a dissenting opinion on the current American status quo.

PROFILE:

Requirements to become Fellow are high

From Page 1

sion, not just in serving clients but from a professional development and activity standpoint," Rosenfeld said. "I could not have done it without Butzel Long's support."

Rosenfeld's colleagues at the firm have encouraged him to teach legal courses and participate in community and bar association activities, he said.

The specific requirements to be considered as a Fellow include having practiced law for more than 20 years with the majority of your practice devoted to labor and employment while demonstrating the highest level of professional qualifications and standards. The recognition also requires Fellows to provide an exceptionally high degree of service, not only to clients but also the bar, bench, and public, Tukul said.

Fellows of The College of Labor and Employment Lawyers need to have significant experience teaching legal courses, publishing papers on relevant legal topics or otherwise contributing to the field in a variety of other ways as well, he added.

"Given all the parameters required there are a very small number of lawyers who could even possibly be considered across the country," Tukul said.

One way in which labor and employment law practice has evolved during his years in practice has largely been due to the advent of e-mail and the Internet, Rosenfeld said. Information is more readily available to non-lawyers, and news about legal developments spreads quickly. That has resulted in the need for Rosenfeld to stay up-to-date on the latest laws and trends that impact his clients.

"Additional sources I can now draw upon are papers and opinions from fellow members of the College which can be a significant help to my own practice," Rosenfeld said. "But you really need to be on top of the information to ensure you are representing your clients to the best of your ability."

Major cases within the labor and employment arena receive more public scrutiny and attention than in the past, he added.

"The interest in workplace and employment matters grows all the time," Rosenfeld said. "Be it violence in the workplace or attention to the possible Employee Free Choice Act or union card check legislation, many of these issues can have a huge impact on both employees and employers and how they perceive their workplace, and capture the public's attention."

BILL:

ACLU filed suit against state and governor

From Page 1

ter public dense system, Worthy said better defense for the mentally ill would be a good thing.

"I think there are too many people in the criminal justice system that should be in the mental health system," she said.

The Wayne County prosecutor further feared that more defense attorneys would mean more work for her office.

"My fear is that I'm understaffed now," Worthy said. "Under this bill, I'll be even more understaffed."

Robin Dahlberg, senior attorney with the ACLU's Racial Justice Project, pointed to her organization's suit, *Duncan et al. v. Granholm*.

Duncan is a civil rights class action brought pursuant to the Sixth and 14th Amendments to the U.S. Constitution and Article 1 of the Michigan Constitution on behalf of all indigent adults who have been charged or will be charged with felonies in the courts of Berrien, Genesee, and Muskegon Counties and who rely or will rely on the state to provide them with counsel for their defense. The suit seeks declaratory and injunctive relief against the state and Gov. Jennifer Granholm to prevent violations of plaintiffs' legal rights and to remedy the state's failure to ensure that indigents receive constitutionally adequate legal representation.

The state tried to have the case dismissed on technical grounds, arguing government immunity for the state's inaction, that a class action is inappropriate and that the plaintiffs cannot seek relief until after they are convicted. The state Court of Appeals rejected the state's arguments, recognizing the court and the state's duty to comply with the Constitution. The case is now before the Michigan Supreme Court.

"We believe we shall prevail in this case," Dahlberg said, "just as we have in the four preceding cases."

Norma Lefstein, dean emerita at Indiana University Law School, is a national expert on public defense and the right to due process. For nine years, he chaired the ABA's Indigent Defense Advisory Group and served as director of the Public Defender Service of the District of Columbia. He authored and co-authored several nationwide reports and studies, including Justice Denied and Gideon's Broken Promise.

The most important recommendations in his report, he said, are that a public defense system should be statewide, independent and bipartisan.

"Overall," he said, "I think HB 5676 is an excellent draft. It does establish an independent, statewide commission."

He further urged "substantial private bar involvement."

Dawn Van Hoek, chief deputy director of State Appellate Defender Office, said that under the current public defense system, taxpayers are getting a poor return on their investment.

Van Hoek cited 595 cases in which sentences were reduced a cumulative 233 years on appeal. At \$32,000 a year, the cost of incarceration, that's \$7.5 million taxpayers would have had to pay for wrongful imprisonment.

"And that is just the tip of the iceberg," she said, since her office only handles a quarter of all indigent appeals.

Referring to Michigan innocence cases, Van Hoek said, "If we could prevent wrongful prosecutions, we would get big bang for the buck."

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