

Wednesday
April 25, 2007
DAILY BRIEFING

Governor appoints Slavens to circuit bench

Governor Jennifer M. Granholm on Monday announced the appointment of Mark T. Slavens as judge of the Third Judicial Circuit of Michigan, serving Wayne County.

Prior to his appointment, Slavens, of Canton, served as an attorney in private practice for 21 years, and before that, as an attorney for Byron Siegel P.C. law firm. Slavens has served as president of the Plymouth-Canton Community Schools Board of Education since 2004, and served as the vice president beginning in 1999. He has also served as cub master, vice cub master, and den leader of the Cub Scouts of Canton.

Slavens earned his law degree from the University of Toledo and received his bachelor's degree from the University of Michigan.

Slavens is appointed for a term expiring January 1, 2009. He replaces the Judge Maggie W. Drake who has resigned.

This appointment is not subject to disapproval by the Michigan Senate.

'Competitiveness' focus of Economic Club lunch

The Detroit Economic Club will present Harold McGraw III, chairman, president & CEO The McGraw-Hill Companies and chairman, Business Roundtable, on Wednesday, May 2, from noon to 1:30 p.m. at Cobo Center in Detroit. McGraw will speak on "Strengthening America's Competitiveness."

Cost for the event is \$35 for Detroit Economic Club members, \$40 for guests of members, and \$50 for non-members

Reserve tickets at www.econclub.org or call the Detroit Economic Club at (313) 963-8547.

Seminar to examine environmental liability

Regulated corporations are facing new environmental liability financial reporting obligations under the recent Financial Accounting Standards Board (FASB) interpretation FIN 47 "Accounting for Asset Retirement Obligations." FIN 47 has led to confusion and questions among regulated corporations.

The law firm of Butzel Long is a sponsor of the Marsh Academy of Risk FIN or Else: FIN 47 seminar which will be offered from 8 a.m. to noon on Thursday, April 26, at Walsh College in Troy and again from 1 to 6 p.m. on Thursday, May 3, at the Frederick Meijer Gardens & Sculpture Park in Grand Rapids.

The seminar will feature a variety of speakers including Butzel Long environmental attorney Beth S. Gotthelf.

The fee for the seminar is \$25 per person. Other sponsors include Walsh College, and Conestoga-Rovers & Associates. For registration and more details, please visit: <https://programs.regweb.com/marsh/fin47/introduction>.

Officials announce plan for summer festival

DETROIT (AP) — Officials on Monday announced the details of a six-day summer festival they hope will be part of a bigger plan to transform the city's riverfront into a destination for visitors and area residents.

Details of the Detroit International River Days were released during a news conference at the General Motors Renaissance Center. The automaker is the festival's presenter.

River Days and the \$140 million East RiverWalk both play prominent roles in the efforts by city officials, GM and others to significantly improve Detroit's riverfront.

The East RiverWalk is scheduled to open for public use next month. It will have paths for pedestrians and bicyclists and stretch about five miles.

River Days will feature live music each night on two stages, a youth basketball seminar by Duke coach Mike Krzyzewski, a bass fishing tournament and the Parade of Lights. Upward of 100 boats — strung with lights — will cruise the river June 23.

The 49th Annual Target Fireworks show closes the festivities June 27.

INSIDE

Assumed Names49
Calendar3
City Council Minutes (4-11-06)5
City Request for Bids15
Classified Ads4
Legal Notices16
Mortgages4

6 56525 110151 9

Detroit Legal News

www.legalnews.com

Vol. CXII No. 83

News you cannot get anywhere else

75 Cents

Life settlements discussed by Probate Bar

THE WAYNE COUNTY PROBATE BAR ASSOCIATION recently conducted a seminar on Monday, April 2, at the Renaissance Club in Detroit. Topics included "Life Settlements - A Way to Maximize the Value of Your Life Insurance Asset" and "The State of Legal Malpractice in Michigan." Participating in the afternoon seminar were (left to right) Jeanne Takenaga, Wayne County probate register; Southfield attorney Howard T. Linden; Third Circuit of Michigan Judge Muriel D. Hughes, Family Division-Domestic; speakers Gary Rosenberg and Kenneth Lipson of Paragon Underwriters; and speaker Michael Leibowitz of Invescor, Inc.

Photo by John Meiu



March property tax revenue increases

According to the most recent data, the Wayne County Treasurer's Office has collected \$37,464,638 in property taxes for March, 2007. This amount is a 24.6 percent increase over the March 2006 collection total of \$30,057,183, said Wayne County Treasurer Raymond J. Wojtowicz.

In February, the Treasurer's Office collected a total of \$34,041,772, which is an increase of nearly 33% over the \$25,964,802 collected in February 2006.

This increase in revenue for both months is particularly impressive since the actual total number of foreclosed properties in Wayne County as of April 16, has dropped by 29 percent, down from 9,033 in 2006 to 6,417 this year. The total number of foreclosed properties in Detroit has also dropped by 34 percent from 8,180 in 2006 down to 5,420.

Realizing the particularly strong interest in the number of owner-occupied properties that were foreclosed, it is significant to note that these numbers have also shown a significant decrease. The total number of owner-occupied foreclosed properties in 2006 was 1,019 for all of Wayne County. This year that number dropped to 993, a decrease of 3 percent. In Detroit, the total number of owner-occupied properties dropped from 883 in 2006 to 806 this year, which represents a decrease of 8 percent.

Also, as a significant indicator of the tough economic times facing Wayne County residents, there were 760 hardship applications received by this office as of Thursday, April 5. This amount represents a 32 percent increase over the 577 applications received for all of 2006.

The Wayne County treasurer encourages taxpayers to call his office with questions. For more information call (313) 224-5990.

Association warms up for Race Judicata

By TOM KIRVAN
Legal News

The chase will be on May 6. That's the date of the 28th Annual Race Judicata, a three-pronged event organized by the Oakland County Bar Association. As the title suggests, it's an event for the fleet afoot, not the faint of heart.

The first Sunday in May event will offer area "Legal Teams" a chance to test their running mettle in 5-kilometer and 10-km road races that begin and end at Andover High School, near the intersection of Long Lake and Telegraph roads. A 5-km walk also is scheduled to begin at 9:30 that morning, offering a recreational opportunity for those who prefer a more leisurely pace to their exercise routine.

Stout Risius Ross and The Oakland Business Review are the title sponsors of the Race Judicata, which, of course, is a play on words of the time-honored legal maxim that "repeated reexamination of adjudicated disputes is not in society's interest." Other businesses supporting the event are Bank of Birmingham, Brooklyn Bagels, Starbucks, Plum Market, and Shred Legal.

Organizers are encouraging area law firms to enter three-runner teams in the 5-km and 10-km races. Traveling trophies will be awarded to the top team in each race that will run through "some of the beautiful neighborhoods and hilly areas of Bloomfield Hills," said event coordinator Dennise Gac, who is the finance director for the Oakland Bar Association.

Of course, the event is open to all comers, whether or not they know the difference between "res" and "race." In fact, ribbons will be presented to the top three finishers in each of the 13 age divisions in the men's and women's competition. A plaque will be presented to the overall winner of each race.

Last year, David Koelsch, a professor at University of Detroit Mercy Law School, was the men's legal winner in the 5-km race, covering the 3.1-mile course in 18:03. Robin Lerg, an attorney in private practice, won the women's legal 5-km in 23:11. The 10-km legal race belonged to Steve Menovick in 37:42, while Jennifer Foley won the women's legal 10-km title in 46:21.

In the Legal Team competition last year, Dean & Fulkerson captured top honors in the 5-km competition in 53:28. James O'Brien (16:39), Jerry Swift (18:05), and Peter Sudnick (18:44) comprised the winning team. In the 10-km contest, Sullivan, Ward earned first place honors in 2:20:15. Kevin Gleeson (42:17), Ted Peters (48:38), and Sheri Cataldo (49:23) brought home the blue ribbon for the team.

As a bonus for those particularly swift, "Race Judicata is an official qualifying race for the Crim," according to Gac "A seven-minute or faster pace in the 10-km run qualifies you for a

seeded start in the Crim 10-mile race," said Gac. The Crim, traditionally one of the premier races in Michigan, is scheduled for August 25 in Flint. The 10-mile race annually attracts a top-notch international field and is a major fund-raiser for Special Olympics in Michigan. The Crim Races were founded by Bobby Crim, former Speaker of the House in Michigan.

Chairing this year's Race Judicata event is Marc Jerabek, while the vice-chair is Jennifer Foley. Other members of the event committee are Diana Moak, Fred Freeman, Lou Eble, Paul Keller, and David Koelsch. The committee is an all-attorney group that shares a passion for running, according to Gac.

Race day registration for the May 6 event will be offered beginning at 8 a.m. The entry fee is \$20 for runners and \$15 for walkers. A \$5 discount is offered to runners if they pre-register. For more information, visit the Oakland County Bar Association Web site at www.ocba.org.



Admiring a T-shirt from last year's event, Dennise Gac (left) of the OCBA and attorney Diana Moak are gearing up for the 2007 edition of Race Judicata, scheduled for Sunday, May 6 at Andover High School. Photo by Tom Kirvan

Court ponders rights of passenger in stopped car

By MARK SHERMAN
Associated Press Writer

WASHINGTON (AP) — Is a passenger in a car stopped by police free to get out and walk away? Most Supreme Court justices didn't seem to think so as they took up a case Monday dealing with passengers' rights.

"I wouldn't think of getting out of the car," Justice Stephen Breyer said.

Justice Antonin Scalia said, "I'd certainly, if I were a passenger, not feel free to immediately open the door and start walking away."

The issue before the court is whether constitutional protections afforded drivers against unreasonable search and seizure also cover passengers in such situations.

If passengers, like drivers, must remain in the car, they have a stronger argument to suppress any evidence of a crime that is found following an illegal stop.

While the justices are not likely to find themselves in such a predicament, their personal impressions appeared relevant to their discussion of the case of Bruce Edward Brendlin, a California man who wants his drug conviction overturned.

Brendlin was a passenger in a car stopped in Yuba City, Calif., in 2001.

He was wanted for a parole violation,

although the sheriff's deputy who ordered the car to pull over didn't know beforehand that Brendlin was in the vehicle. After arresting Brendlin on the parole violation, the officer found drug paraphernalia on Brendlin and in the car.

Brendlin appealed his conviction, arguing that the drug evidence should be suppressed because it was found as the result of an illegal stop.

The state has since conceded there was no basis to stop the car.

Yet California also argued that Brendlin's conviction should stand because only the driver was covered by the Fourth Amendment's protections against unreasonable searches and seizures.

A state appeals court rejected that argument and overturned the conviction, but the California Supreme Court reinstated it.

The U.S. Supreme Court took the case to resolve whether passengers can contest the legality of traffic stops.

Most state and federal courts already permit such challenges. California, Colorado and Washington state do not.

Brendlin, backed by the American Civil Liberties Union and the NAACP, argued that a ruling in the state's favor would encourage police to conduct arbitrary traffic stops to tar-

get passengers who lack the same rights as drivers.

Clifford Zall, a California deputy attorney general, told the justices there was nothing remarkable in the state's view that drivers, not passengers, are the focus of traffic stops.

When a patrol car signals a driver to pull over, Zall said, "I think the natural reaction is the driver says, what did I do, and the passenger says, what did you do?"

But Justice Anthony Kennedy was troubled by the state's argument.

"You want to establish the proposition that any time there is a traffic stop in the state of California or I guess anywhere in the United States all the passengers are free to immediately leave, absent some further countermanning...order by the officer," Kennedy said. "I think indications from the bench are we just don't think passengers, a, are or, b, should feel free to leave when there's a traffic stop."

A decision is expected by late June.

Brendlin's case is complicated by the outstanding arrest warrant against him, which the state said would have justified a search even if passengers can challenge traffic stops. The Supreme Court, then, could rule in Brendlin's favor without upsetting his conviction.

The case is *Brendlin v. California*, 06-8120.

Notices of courts and public places

Court Administrator J. Otis Davis recently announced that pursuant to Administrative Order 2006-7 the Wayne County 36th District Court will be closed for all functions except felony arraignments and criminal exams on Monday, Tuesday, and Wednesday, April 23, 24, and 25.

The purpose of the order is to close the court to the public in order to conduct a court-wide inventory of all civil, criminal, probation and traffic records.

Although the court will be closed to the public Monday through Wednesday, April 23 to 25, citizens may still log on to the court's Web site at www.36thdistrictcourt.org and pay their current outstanding tickets. Payments are posted immediately following completion of the transaction.

Normal hours of operation will resume on Thursday, April 26. For more information, contact the court at (313) 965-2200. Hearing impaired TDD/TTY users may contact the court at (313) 965-4158.

Official Newspaper: City of Detroit • Wayne Circuit Court • U.S. District Court • U.S. Bankruptcy Court

■ **Bank of America**
LaSalle acquisition highlights sluggish growth of Bank of America.
Page Two

■ **On the Docket**
Dean Mark C. Gordon discusses evaluating staff evaluations.
Page Three

■ **Free Rides**
Justices give up their state vehicles, want to reduce judgeships.
Back Page

