



Grand Traverse-Leelanau-Antrim
Bar Association

SPRING 2010

JUDGE ALTON T. DAVIS TO SPEAK AT LAW DAY

Mike Richey, Law Day Chair

The Grand Traverse-Leelanau-Antrim Bar Association is proud to announce that Michigan Court of Appeals Judge Alton T. Davis will be the featured speaker at this year's Law Day luncheon on April 30, 2010. Judge Davis will speak on this year's theme, "*Law in the 21st Century: Enduring Traditions, Emerging Challenges.*"

In addition, the Bar Association is seeking nominations for this year's Liberty Bell Award. As most of you know, the Liberty Bell Award is given to a non-attorney community member who is recognized for his or her community service in raising awareness in others concerning equal access to the justice system. Nominations for this award may be submitted to Mike Richey through **April 16, 2010**.

The annual Law Day luncheon will again be held at the Elk's Club in Traverse City. This year's luncheon program will include the presentation of the Liberty Bell Award, as well as announcement of the winners of the Student Essay Contest, the Mayor's Law Day Proclamation, and the annual Law Day speech.

If you would like to RSVP for the Law Day luncheon, please contact Mike Richey at 947-4900, or mar@richey-law.com, on or before **April 27, 2010**.

Annual Dinner and Meeting

Thursday, May 6, 2010

The GTLA Bar Association Annual Dinner and Meeting will be held at NMC's Hagerty Center. Cocktails will be served in Rotary Hall beginning at 5:30, followed by board elections and the presentation of the pro bono service award at 6:15. Dinner will be served at approximately 6:30.

You may register for the dinner on the bar association's website (www.gtlaba.org) or by contacting the bar association at gtlab@grandtraverse.org or 922-4715.

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At-Large Board Members Needed

The GTLA Bar Association is seeking candidates for three "at large" board of governors. These two year terms begin June 30, 2010.

The Board of Governors is responsible for the budget, programs, and policy development of the bar association and the supervision of the Executive Director. The Board of Governors meets monthly. Board members also serve on committees and frequently chair committees.

The board of governors' election will be held at the May 6th Annual Dinner and Meeting and interested members should contact association president, Jo Bullis, at jbullis@wrcgt.org prior to April 6th.



SEEKING NOMINATIONS FOR LIBERTY BELL AWARD

Each year, the Grand Traverse-Leelanau-Antrim Bar Association awards the Liberty Bell Award at its Law Day luncheon to a non-attorney member of the community who has a distinguished record of raising awareness to others in the community of our law and equal access to America's justice system.

Specific qualifications of such an individual include:

- Promoting a better understanding of the Constitution and Bill of Rights as they affect our lives;
- Encouraging a greater respect for our laws and the courts;
- Stimulating a deeper sense of individual responsibility so that citizens recognize their duties as well as their rights;
- Contributing to the effective functioning of the democratic institutions of our government; and
- Fostering a better understanding and appreciation of the rule of law with fairness and consistency.

If you would like to nominate someone for this year's Liberty Bell Award, please contact Mike Richey at 947-4900, or mar@richey-law.com. Nominations will be received through **April 16, 2010**.



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Maximizing Returns and Minimizing Costs in Collection Lawsuits

Lawrence R. LaSusa



Due to current economic conditions huge numbers of collection lawsuits are being filed across the country every day. However, in many cases, even when the lawsuits produce a favorable judgment, they produce little or no recovery for the judgment creditor. To avoid this problem, when your business accounts are past due, or your client is considering a collection lawsuit, you need to do your homework before you file a lawsuit. Doing this helps you maximize your results and better budget attorney fees and collection expenses. This article provides suggestions to help you or your clients exercise self-help when pursuing collections and information for better collection results.

Follow a warm trail

Hunters and trackers like to follow warm trails. Police feel the hood or exhaust pipe of a car to see if it has been driven recently. No doubt, a cold trail is hard to follow. The sooner you follow up on a delinquent account, the better are your chances of collection.

Ask and you shall receive

As a business owner or credit manager, the first question you should ask yourself or account representative is: Did you ask the customer to pay our bill? Nobody likes to ask a client or customer to pay up – whether it is the front-line salesperson or the boss. Still, customers who purchase goods or services expect to pay for what they get, and before you incur any attorney's fees make sure they have been asked to pay.

If the customer has purposefully not paid their bill, find out why the account is past due. This is important information. You can find out if you have a business process or problem that needs fixing. You can learn if your product or service is defective or deficient. Such circumstances usually become the basis for nasty counterclaims. If the problem can be resolved without a lawsuit (or the threat of one) you may have saved a customer, their referrals, and the expenses and lost opportunity costs of trying to collect an overdue account.

Make them put their money where their mouth is

If you are getting paid in full right then and there, a

formal written agreement is not necessary. However, if you agree to give the customer additional time to pay up, or arrive at some arrangement outside the normal course of dealings, then a call to your attorney may be worthwhile. Put the terms of your agreement into letter form, with all of the terms stated in plain language, and send it to your attorney for review. The likelihood is that your version can be used with only minor modifications, and this will save you attorney's fees and time.

The "Pay up or else" threat

If the customer does not answer your calls, or if the check has been in the mail one too many times, then it's time for the final notice. No form letter can cover every situation, but formatted letters streamline the process and yield more consistent results. When drafting your final demand letter keep these things in mind:

Even if you never want or expect to see this customer again, resist the desire to use harsh language. A judge or jury may be reading the letter in the future, so be assertive but be discrete.

Be clear about what you want. Make your letter as easy to follow as possible. Include an explanation of the account (including interest and other charges that have accrued), when you expect to receive payment, and who should be contacted if the customer has any questions.

Just the facts, please

If the demand letter does not result in payment do not hesitate to contact your attorney. Pull together all the information on the customer and the account that you can. Prepare a simple letter of explanation for your attorney about the circumstances, including any possible counterclaims.

Your attorney is not simply your hired gun. He or she is your counselor, who can help you decide whether a collection suit is a worthwhile step to take. The best way to do this is to arm them with information. Here is what will be most helpful to your attorney:

- 1) How to locate the customer. Give your attorney the customer's business name, address and phone numbers, including the same for any affiliated companies operated

by the customer. Include individual guarantors or anyone else that may be jointly obligated on the debt. Social security numbers and FEINs are particularly helpful.

2) How to locate their assets. Tell your attorney everything you know, or can discover, about the customer's assets, from their bank accounts and other business assets to whether they own a home and where it is located. Check your records for copies of the customer's checks. The Secretary of State will generally provide you with the name and location of businesses operated by a corporation under other assumed names. Your attorney can follow up to determine whether or not any of these other businesses are open, operating and have available assets. Likewise, your attorney can check with the county in which the customer's business is located and with the Secretary of State to see if other creditors have security interests or liens on all or part of the customer's assets.

3) Names, addresses and phone numbers of other vendors who may have similar problems. What, if anything, have you found out from other business people in the community? Avoid spreading false information that may lead to counterclaims for libel or slander, but collect whatever information you can about the customer and their ability to pay other businesses.

4) A credit report. Either you or your attorney can order a credit report from LexisNexis, Dunn & Bradstreet, or other reputable credit reporting services. Credit reports help locate property and other attachable assets that may be liquidated to satisfy a judgment. They also provide information about the customer's business operations (such as a recent business change, which may alert your attorney to other concerns), and other public record activity that may be useful to know when seeking to collect the debt. In short, even if you think you have collected enough information on the debtor-customer, paying for a credit report may be money well spent when deciding whether to pursue a collection lawsuit.

Decide whether a collection lawsuit should be filed

Nobody should hire a painter for their home without getting more than one estimate and checking references. Your approach to hiring an attorney for a collection lawsuit should not be any different.

Some attorneys pursue collection cases on a contingent fee basis; meaning that the attorney does not charge any legal fees and only gets paid a percentage of the

amount recovered. Other attorneys handle collection matters on an hourly fee basis. In either case, you should expect to pay all the attorney's out of pocket costs of the lawsuit, regardless of recovery.

Spending \$2,500 in legal fees and court costs to pursue a judgment only worth \$7,500, which has a low probability of recovery, is bad business. Agreeing to a one-third contingent fee on a \$100,000 claim with almost certain recovery is also bad business if the case is simple and only requires minimal attorney time. Ask questions, and do not be afraid to negotiate with your attorney.

The bottom line is simple: If you do your homework in advance, you may be able to avoid the expense of a lawsuit. But, if you have to use the courts, your preparation will help you work with your attorney to decide whether a collection suit is likely to produce cost effective results, and ultimately will help you to negotiate the best possible arrangement to pursue your case to successful conclusion.

Lawrence R. LaSusa is a principal attorney of LaSusa Law Offices, PLC. Mr. LaSusa has extensive business and litigation experience. He has served as an Assistant Attorney General of Illinois, and Chief Litigation Counsel for two multi-billion dollar companies. Mr. LaSusa is admitted to practice law in Illinois, Michigan and Wisconsin, as well as every Federal District Court, including the Trial Bars, in each of those states. He graduated from the University of Illinois and the DePaul University College of Law.

Mr. LaSusa can be reached at info@lasusalaw.com or 231-392-9616.

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Heard in the Halls

Wendy K. Bailey, presented a workshop, "U.S. Immigration History: From a Legal Perspective" at the Benzie Area Women's History Project program *Which Way Home – Perspectives on Immigration* on March 21, 2010.



Andrew J. Blodgett, an attorney with the law firm of Smith Haughey Rice & Roegge, has been selected by the Michigan Defense Trial Council to receive the organization's Golden Gavel Award.

The annual award is presented to a Michigan attorney who has been in practice for less than 10 years and has demonstrated significant professionalism and courtesy in the practice of law; significant achievement in charitable endeavors, community involvement, and pro bono representation; leadership and advancement of young attorneys; and achievement within one's area of practice.

Maurice A. Borden has become a member in the Traverse City office of Sondee, Racine & Doren, a civil law firm. His practice is concentrated on litigation, specializing in insurance coverage and real estate.

Leelanau County Prosecutor **Joseph T. Hubbell** and Chief Assistant Prosecutor **Doug Donaldson** received their five and ten-year service awards from the Prosecuting Attorneys Association of Michigan.

Lee Hornberger's article "Settlement Agreements for Employment Termination Cases (with Sample Clauses and Forms)", which he co-authored with Lansing attorney Kiffi Ford, was recently published in the March 2010 edition of *The Practical Litigator*. The article was adapted from the ALI-ABA best-seller, *Defusing Workplace Time-Bombs*.

H. Wendell Johnson, of Smith & Johnson, Attorneys, P.C. was recently appointed to the Board of Trustees of the Leelanau Township Community Foundation. The LTCF is the third oldest community foundation in Michigan and this year is celebrating 65 years of philanthropy. The Foundation administers contributed funds and awards grants to projects that enhance Leelanau Township in the areas of arts and culture, education, the environment, community and economic development, human services, health and wellness, recreation, youth and seniors.

John Patrick Lynch has joined the law firm of Deborah Lynch, PLLC as an Associate Attorney. Mr. Lynch can be

reached at 922-2690. His focus will be in civil litigation handling small business transactions, intellectual property rights, real estate transactions and oil and gas law.

Mr. Lynch earned his law degree from the Chicago-Kent College of Law, Illinois Institute of Technology in 2008, and his BS degree from MSU in 2004. He is a member of the State Bar of Illinois and State Bar of Michigan.



The law office of Bethany C. Warner & Associates in downtown Traverse City would like to announce that **Richard P. Martel, Jr.** has joined the firm. Mr. Martel received his undergraduate degree from Michigan State University and his Juris Doctorate from Detroit College of Law at Michigan State University.

Mr. Martel will be focusing his practice on estate planning, while also practicing in the areas of business representation and real estate. Mr. Martel is accepting new clients and can be contacted at (231) 922-8028 or rmartel@warner-law.com.



Michael B. Newman has become an associate at Sondee, Racine & Doren, PLC, a civil law firm with offices in Traverse City and Gaylord. His practice is concentrated in civil litigation, commercial transactions, and disability law.

Mr. Newman is a graduate of University of Connecticut, and the University of Miami School of Law, where he contributed as a writer to the Law Review. He was a litigation attorney in Cambridge, MA for 12 years before relocating to Traverse City.



Edward W. Rich (www.ewrichpc.com) has been added to the American Arbitration Association Roster of Neutrals for general commercial arbitration and was also recently accepted as a Certified Arbitrator with ARIAS, the AIDA Reinsurance and Insurance Arbitration Society. He continues to be available for mediation, estate planning, and business and finance and litigation assistance work.

Deborah Rysso will be writing a regular column for "My Generation", the new *Record-Eagle* quarterly publication for Baby Boomers (1946-1964). Ms. Rysso will be addressing legal issues facing Baby Boomers.



Sarah J. Sleder recently joined Bowerman, Bowden, Ford, Clulo & Luyt, P.C. as an associate. Sarah graduated from Traverse City West Senior High in 2001. She attended Kalamazoo College where she majored in Political Science and graduated with a B.A. in 2005. She attended Michigan State University College of Law (formerly Detroit College of Law) and received her J.D. in 2009.

The law firm of Smith Haughey Rice & Roegge has named **Scott D. Harvey, Melissa E. Whitman** and **Shawn C. Worden** as shareholders of the firm and **Peter J. Boyles** and **Todd W. Millar** of the firm's Traverse City office as board members.

Sterling Law Office announces the opening of their newest office at 940 N. Center St. in Gaylord (989-705-2326). This expansion allows ADAM (American Divorce Association for Men) to better serve clients across northern lower Michigan and the eastern UP.

Corey J. Wiggins, an associate with Zirnhelt & Bowron, P.L.C., was recently elected to the following positions: Vice-Chairman of the Wexford County Planning Commission, Secretary of the Charter Township of Haring Planning Commission and Recording Secretary of the Charter Township of Haring Board of Review.



The law firm of Garan Lucow Miller, PC announced that **Robert H. Witkop** has joined the firm as Of Counsel. Mr. Witkop earned his BA from Michigan State University in 1968 and his JD from Wayne State University Law School in 1972.

Mr. Witkop has practiced exclusively in the area of estate planning and settlement, wills, trusts and probate. He is a member of the Traverse City Rotary Club, United States Air Force Association, National Society of Public Accountants, Board of Directors TBA Credit Union, Wings of Mercy and is a member of the State Bar of Michigan Representative Assembly.

Conflict Resolution Service 2010-2011 Officers and Board

Conflict Resolution Services, Inc. recently selected its Officers and Board members for 2010-2011. The CRS officers are Lija Ditmar, President; John Olson, Vice-President; and Ed Rich, Treasurer. The At-Large Board of Director Members are Bill Brundage, Sandra Franklin, Jerry Keelan, Jim Saffell, and Terry Sanborn.

Conflict Resolution Services is a non-profit organization that offers affordable dispute resolution services utilizing trained, neutral mediators. CRS delivers timely, non-adversarial, and confidential mediation and arbitration services, facilitation of public or private meetings, state-certified mediator training, and customized skills-building training to area business firms, public bodies, and educators. CRS can be contacted at 231-941-5835 or crservice@thirdlevel.org concerning its dispute resolution and mediator training services.



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Internet Website Development – Clarifying Your Firm’s “Brand Identity”

Ursula Rozanski



Once you’ve decided on the categories of content that you’ll be using to develop your firm’s website, the next important step is to clarify your firm’s “brand identity”. While this may sound like “market-speak” it’s really a reflection of how you want to communicate, characterize, package and position the value that your firm will create for your prospects, clients, affiliates and associates. “Brand identity” is important because it provides the information prospective clients use to make determinations about what law firm to call, what questions to ask and what they can expect from the experience. It also provides the central theme or themes around which the website categories of content would be developed. If a “brand identity” is clear, compelling, and well executed, the prospective client will feel confident that the brand will live up to its unique promise of value. If a “brand identity” is ambiguous, complicated or generally unappealing, prospective clients will be confused, doubtful of the experience and its outcome, and hesitant to risk their time and money.

“Brand identity” success is dependent upon operational factors like good leadership, a consistent level of excellence in service provision, an enduring commitment to client service, innovation/flexibility in service provision, and a good experience for the client. “Brand identity” must be solidly based upon the strategic plan and core competencies of the firm as developed by its leadership. This approach provides for a coherent and integrated “brand identity” that has its foundation in confident experience, well-measured results and consistent management. The result of a successful “brand identity” is that it attracts attention, sets expectations, sets standards, makes a lasting impression, and most importantly, uniquely sets a law firm apart from the competition. These results set the foundation for the firm’s growth, long term client relationships and referral-based practice development.

Now that we’ve established how important a firm’s “brand identity” is and what makes it successful, the next step is to define the “sources” that will shape its central theme(s) and the “packaging” that will reflect its key aspects.

Key “sources” that can be used to develop a firm’s “brand identity” central theme would include the firm’s:

- (1) Core Competencies – What the firm primarily does best and towards which the firm will invest its resources, identifying the target audiences, and the value proposition of each service for each of the target audiences, (2) Strategic and Tactical Plans - What tasks will be completed in 18 months (tactical) and in 36 months (strategic) that will support the firm’s core competencies, (3) Mission Statement – The present mission and state of the firm for its stakeholders, (4) Vision Statement - The future mission and envisioned state of the firm for its stakeholders, (5) Core Values - Multiple statements that describe the firm’s guiding principles, culture and belief system, and which support the firm’s “brand identity”, (6) Motto - The central organizing thought, defining the “brand identity” for stakeholder (including internal) use in one brief sentence, (7) Backgrounder - One or two paragraphs that briefly describe the firm’s history, core competencies (summary), key executives, key locations, commendations and events, and which demonstrate a commitment to the firm’s “brand identity”, (8) Affiliations - Affiliates whose relationship reflects the firm’s commitment to its “brand identity”, (9) Events - Events that the firm sponsors or participates in, and which reflect the firm’s commitment to its “brand identity”, (10) Outreach - Programs that the firm sponsors or participates in, and which demonstrate the firm’s commitment to its “brand identity”.

Key “packaging” aspects of a firm’s “brand identity” would include development of the following assets, which would be used to develop the firm’s website, develop the firm’s marketing campaigns and manage the firm’s “brand identity” standards, from a stakeholders perspective:

- (1) Icons – The key single integrated graphic (graphical, textual, photo and possibly other elements integrated into one “object”) that will be the primary icon for the firm and which will appear on all written, and digital communications, documents, assets and property, and which will represent the firm’s “brand identity”, (2) Graphics – Graphics that complement and enhance the firm’s primary icon, (3) Colors - Selection of up to three primary colors that complement each other along with a selection of two utility colors that complement the primary colors, (4) Font Styles, Sizes and Colors - Selection of a font style, size and color

that complements the primary icon, graphics and brand packaging elements, (5) Photos – Photos that would be used to define and support the firm’s “brand identity”, and a determination would need to be made as to the style and type of photos that would be used, (6) Press Releases – Press release template, schedule and content outline, that will support the firm’s “brand identity” and which will utilize the firm’s Backgrounder, (7) Ads –An ad or ads that reflect the firm’s core competencies, and unique value proposition(s), to the firm’s target audience, (8) Newsletters/Bulletins –Newsletters/bulletins that reflect excerpts of the firm’s “sources” and which are used to enrich the prospect/client relationship with the firm, (9) Written and verbal communications – The firm’s corporate documentation with the “brand identity” in place, clearly visible and consistent with all the firm’s other corporate documentation and the firm’s website, (10) Internal policies and operations – The firm’s internal policies and procedures (a manual or handbook) which embraces and supports the firm’s “brand identity” from a stakeholder perspective.

Developing and organizing these “brand identity sources” and the related “brand identity packaging” enables a firm to develop a website that clearly communicates the firm’s “brand identity”. It also results in the development of rich marketing assets that provide the foundation for a well-organized, manageable, scalable and cost-effective annual marketing campaign. Both the website and the marketing campaign combine to provide a seamless, highly effective, promotional platform that will consistently deliver the firm’s branded marketing messages. Using this approach, the “brand identity” is developed in unison with the website content, which facilitates the development of the organizational, structural and directional aspects of the overall website content. Additionally, it minimizes the ongoing website maintenance process that typically occurs on websites where the “brand identity” is not a key theme but an afterthought, requiring iterative revisions to the website to incorporate the brand as it evolves and driving up the website development time and the costs.

Ursula Rozanski is Managing Principal/President of Rozanski & Associates, Inc., a Michigan-based management consulting and resources provision firm for small to medium enterprise, and in particular professional services firms. The company was established in 1995 and incorporated in 2001. Ursula can be reached via email at urozanski@rozanskiandassoc.com, or by phone at 989-225-2570. © 2009, all rights reserved.

Young Lawyers Night – April 15

Come join the GTLAB Young Lawyers at Right Brain Brewery on April 15, 2010 anytime after 5PM. We have reserved the back room exclusively for Young Lawyers and their significant others. **First beer for Young Lawyers free from our sponsor.** Please contact Brian via email at brianhall@traverselegal.com to RSVP or with questions.

New Library Donation

George Galic has donated a copy of the ABA’s *The Electronic Evidence and Discovery Handbook: Forms, Checklists and Guidelines* to the Law Library. We appreciate this valuable addition to our collection.

We are also grateful to the Traverse Area District Library for providing a subscription to FastCase®, allowing us expanded access to federal and state case law.

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GTLA Bar Association

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GTLA Bar Association Mission Statement: *The Grand Traverse-Leelanau-Antrim Bar Association is a Michigan not-for-profit corporation whose members are attorneys principally practicing in Grand Traverse, Leelanau and Antrim counties. Its mission is to maintain the highest professional standards and competence among attorneys, to promote collegiality and camaraderie among attorneys, to improve the administration of justice, and to provide law-related service and education to its members and the public.*

2009-2010 - The GTLA Bar Association officers for 2009-2010 were elected at the May 7, 2009, annual meeting.

Board of Governors

President	Jo L. Bullis	941-1210
President-Elect	Shelley A. Kester	922-6800
Past-President	Jennifer Berry	929-3113
Secretary	Deborah Rysso	933-5207
Treasurer	Mardi Black	271-3402
At Large:	Aaron Bowron	6/30/10 946-8630
	Kristen Campbell	6/30/10 486-4542
	Michael Richey	6/30/10 947-4900
	Corey J. Wiggins	6/30/10 946-8630
	Shawn Worden	6/30/10 929-4878
	Larry LaSusa	6/30/11 392-9616
State Bar	John Blakeslee	946-2700
Representatives	Robert Witkop	946-4300
Young Lawyers	Brian Hall	
Women Lawyers	Marie Walker	
Exec. Director	Jill Porter	922-4715

Committee Chairs

Alternative Dispute Resolution	John Racine	947-0400
Charitable Giving Foundation	Jennifer Berry	929-3113
Circuit Court Judicial Liaison	John Blakeslee	946-2700
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Probate Court Judicial Liaison	Lee Hornberger	941-0746
Family Division Cir. Ct. Liaison	Lee Hornberger	941-0746
Financial	Mardi Black	271-3402
Law Day	Michael Richey	947-4900
Law Library	Jo Bullis	941-1210
Membership	Jo Bullis	941-1210
Mentor	Shelley Kester	922-6800
Newsletter	Aaron Bowron	946-8630
	Corey J. Wiggins	946-8630
Pro Bono	William Rossbach	421-1750
Program/Special Events	Jennifer Berry	929-3113
TARS	Corey J. Wiggins	946-8630

Bar Association Newsletter

Editors & Committee Co-Chairs: Aaron Bowron and Corey Wiggins. Published Quarterly. Kindly mail articles and information to GTLABA by **June 21, 2010**, for publication in the summer issue. Questions or comments should be directed to Aaron Bowron at legaloil@aol.com or Corey Wiggins at coreyjwiggins@aol.com.

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LAW DAY 2010

LAW IN THE 21st CENTURY: ENDURING TRADITIONS, EMERGING CHALLENGES



Friday April 30, 2010

Schedule of Events

9:00 – 11:00 AM “ASK THE LAWYERS”

Located at the Traverse City Senior Center

11:30 – 1:00 PM COMPLIMENTARY LAW DAY LUNCHEON

Hosted at the Elks Lodge, 625 Bay Street, Traverse City

Reservations are required

Please call Mike Richey at 947-4900 by April 27, 2010

FEATURED SPEAKER

**THE HONORABLE ALTON T. DAVIS
MICHIGAN COURT OF APPEALS**

ALSO

THE MAYOR’S LAW DAY PROCLAMATION

THE LIBERTY BELL AWARD WINNER

AND

STUDENT ESSAY CONTEST WINNERS WILL BE HONORED

2:00 – 4:00 PM “ASK THE LAWYERS” AND OPEN HOUSE

Located at the Grand Traverse County Law Library

Grand Traverse County Courthouse, 4th Floor

No appointment is necessary



LAW DAY 2010

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