



Grand Traverse-Leelanau-Antrim  
Bar Association

## S U M M E R 2 0 1 0

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### It's Membership Time!

Now is a great time to renew your GTLABA membership or join us if you haven't been a member in a while (or ever!)

Our membership year runs from **July 1-June 30** and being a GTLABA member keeps you connected with a variety of networking events and educational opportunities. On tap for the next couple of months are:

**Two Judicial Candidate Forums co-sponsored by the Grand Traverse Area League of Women Voters and the GTLABA.** The 86th District Court forum will be held on July 15th from 7:00-8:30 pm at the Woodmere Branch of the Traverse Area District Library. The Leelanau County Probate Court forum will be held on July 19th from 7:00-8:30 pm at the Leelanau County Governmental Center.

**The 27th Annual GTLABA Golf Outing is set for September 9th.** This year's event at Elmbrook Golf Course will benefit Conflict Resolution Services as they move into their new facilities on South Garfield. The popular four-person scramble format will continue, however, there will be some additional twists that will help make the event more welcoming to non-golfing participants. We'll also have bigger and better prizes and opportunities for hole sponsorship.

**Improved TARS (Traverse Attorney Referral Service) opportunities.** Soon the public will be able to request an attorney referral from TARS via the internet in addition to calling the TARS line. The number of successful referrals was up last fiscal year, and we expect that trend to continue with these improvements.

**Joining is easy.** Just visit us at [www.gtlaba.org](http://www.gtlaba.org) and click the "Join Now" tab (renewing members can just sign in.) Credit card payments can be made online, and we still take checks! If you have any questions or comments, please don't hesitate to contact us at 922-4715 or via email at [jporter@gtlaba.org](mailto:jporter@gtlaba.org) or visit us on the web at [www.gtlaba.org](http://www.gtlaba.org). We look forward to hearing from you.

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## Attorney Matthew L. Classens Receives 6<sup>th</sup> Annual L.E.A.P. Pro Bono Service Award

Matthew L. Classens, an attorney with the law firm Bishop & Heintz of Traverse City, received the 6th Annual Grand Traverse Area Pro Bono Service Award on May 6, 2010, at the Bar Association's Annual Spring Dinner. The award recognizes Mr. Classens' pro bono work in the community through his efforts at the Free Legal Aid Clinic and representation in pro bono cases. Mr. Classens' work on behalf of those in need truly changed their lives.

A native of Traverse City, Mr. Classens graduated from St. Francis High School and Michigan State University - James Madison College with a Bachelor of Arts Degree in 2001. He received his Juris Doctorate degree from the Thomas M. Cooley Law School in 2005. He is a member of the State Bar of Michigan, American Bar Association and the GTLABA and currently serves as a board member the United Way of Northwest Michigan.

L.E.A.P. (Law – Enhanced Access Partnership) is a unique blend of legal and human services providers, which organized to address the unmet legal needs of the Grand Traverse region's working poor. The primary partners in L.E.A.P. are Legal Services of Northern Michigan, Inc., Third Level Crisis Intervention Center, Inc., the Women's Resource Center – Grand Traverse Area, the GTLA Bar Association and Women Lawyers Association of Traverse City. The Three Generations Circle of Women Givers provides financial support through its community grant program.



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## Negotiating a Fair and Equitable Divorce Settlement

Heather Blanton-Dykstra, JD, CDFA™



Family Law 101 ... negotiate a fair and equitable divorce settlement. It seems fairly basic, but how many family law practitioners have a background or are trained as accountants, investment advisors or financial planners? In each and every case where the marital assets exceed \$250,000, financial models factor-

ing in assets and income should be developed – including salaries, health benefits, retirement plans, stock options, alimony, child support, living expenses and tax implications. This can avoid a scenario where 10 years later, one spouse is destitute while the other's net worth has skyrocketed. If your client already has a financial advisor who specializes in divorce planning, take advantage of his or her expertise, it can reduce your liability exposure.

In most divorces, the major financial issues surround the marital home and retirement accounts\pensions.

### Marital Home

Before your client makes it clear that he or she is not giving up the marital home, both you and your client must analyze the costs of a monthly mortgage (which may be a new mortgage as a result of the divorce), taxes, utilities, and maintenance and upkeep of the home. Also, if your client keeps the marital home, is he or she giving up a comfortable retirement? It is important to determine the long term effects of continuing to own the marital home, including tax and budget implications. This includes determining and taking into consideration the tax basis in the marital home, which may alter how you structure the terms of any settlement agreement.

### Retirement Account\Pension

It is also important to place a current value on any retirement account and\or a pension. While all family law practitioners are familiar with a Qualified Domestic Relations Order ("QDRO"), you may not have actually calculated the present day value of the pension or determined what effect the terms of the QDRO will have on your client. Equally important is to ensure that the QDRO is formalized before the divorce is granted so that the judge can endorse the QDRO in conjunction with the Judgment of Divorce. Failure to timely execute this document could result in unintended consequences to your client, especially in the event of death. Additionally, it is important that you consider whether your client should purchase a term policy to cover anticipated spousal and child support payments. If you and your client determine that this is

appropriate, the terms of the policy and arrangement for payment of premiums should be outlined in the Judgment of Divorce or Property Settlement Agreement. This policy should be obtained prior to the divorce to allow for alternative plans in the event your client's spouse is uninsurable.

After inventorying a couple's assets and liabilities and assessing both short and long term needs, a Certified Divorce Financial Analyst can develop a sophisticated financial model showing how various asset splits would work over a 10-year period. Financial planning during the divorce extends beyond simply calculating spousal and child support. It is important your clients know what the actual marital assets are, their present day value the long term effects of ownership.

A struggling economy can make the divorce process even more adversarial and make it even easier to make devastating economic decisions. Now, more than ever, attention to the economics of divorce is crucial.

*Heather Blanton-Dykstra, JD, CDFA™, is a partner with the Kiessel Rivard Group of Robert W. Baird & Co., Inc. located in Traverse City, Michigan. Heather is the only financial advisor in northern Michigan to have obtained the designation of Certified Divorce Financial Planner through the Institute of Divorce Financial Analysts. She joins over 1500 advisors throughout the country who have obtained this specialized designation. Heather can be reached at (231) 933-6009 or at hdykstra@rwbaird.com.*



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## Indian Child Welfare Act Training Sessions

The Indian Child Welfare Act (ICWA) is intended to protect the best interests of Indian children as determined by their tribe and to promote the stability and security of Indian tribe families.

Per Frank Weir's June 17th article in the *Washtenaw County Legal News*, "Under the implementation of ICWA, tribes have exclusive jurisdiction in any child custody proceeding involving an Indian child who resides within the reservation of the tribe; ICWA Child Protective Services actions must utilize "active efforts" to prevent removal of the child from the family; must utilize "active efforts" to attempt reunification of the family; must implement ICWA's placement preference of an Indian or relative foster home or adoptive placement; and use a "beyond a reasonable doubt" evidentiary standard for termination of parental rights versus the clear and convincing standard utilized in state courts. "

Past training sessions have focused on the practices that led up to enactment of the ICWA and current practice under the act. Future training sessions are upcoming on:

- ICWA Region V/Upper Peninsula Training Tuesday, August 24, 2010 (NMU Campus, Marquette, MI)
- ICWA Region III Training Wednesday, August 25, 2010 (Ziibiwing Center, Mt. Pleasant, MI)
- ICWA Region IV Training Thursday, August 26, 2010 (Odawa Hotel, Petoskey, MI)
- ICWA Region II Training Tuesday, September 28, 2010 (Clarion Hotel, Kalamazoo, MI)

Registration information can be found on the SCAO website ([www.courts.michigan.gov/scao](http://www.courts.michigan.gov/scao)). If you have any problems registering or you need to cancel after you have been confirmed to attend a conference, please contact Regina Carey ([regina@kordenbrocklaw.com](mailto:regina@kordenbrocklaw.com)) or Jean Kordenbrock ([jean@kordenbrocklaw.com](mailto:jean@kordenbrocklaw.com)) at 517.977.0587.

## WLA Update



The WLA-GTLABA is planning an event for September 15th on bankruptcy and foreclosure to provide local attorneys with a general understanding of how these work. We are tentatively planning a summer hiking and dinner event and working on our membership drive.

You may sign up for the WLA-GTLABA online on the bar association website or by downloading the application form and mailing it in.

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## Collaborative Divorce Practice Growing in Northern Michigan

Maura Brennan



The Up North Collaborative Divorce Professionals is bringing the option of collaborative divorce to northern Michigan. In a "collaborative" divorce, a divorcing couple signs a participation agreement not to go to court, but to instead settle the issues of their divorce by a series of meetings with their attorneys, and possibly other professionals, such as a divorce coach, a neutral financial expert, and a child specialist. The parties do not spend money on trial preparation, or adversarial experts, and agree to share all information openly, avoiding discovery litigation. As we all know, litigation can be costly on both a financial and an emotional level in family law matters.

The Up North Collaborative Divorce Professionals is one of seven such practice groups operating throughout the state of Michigan. Its members include sixteen attorneys, three financial experts, and two mental health professionals, all of whom have completed basic collaborative training. The group had the largest number by region of trainees at the recent May collaborative training in Lansing. The statewide organization, Collaborative Practice Institute of Michigan, has 110 members, 77 of whom are attorneys.

There are currently two completed divorce cases in the 13<sup>th</sup> Circuit, which utilized the collaborative process, and at least four others in the region that are currently "in process." Local collaborative attorneys are enthusiastic about this new option, and find it to be a cost effective alternative to litigation, that brings more focus on the effects of divorce on the whole family.


Shelley Kester, who has completed one collaborative divorce, and has three others in process, has found that "the collaborative process offers the lawyer a meaningful paradigm shift from the traditional model." Kester relates that her experience to date has been "a gentler process" for the parties. She adds that in her collaborative cases, "family resources have been utilized in a more constructive and cost effective way" than likely would have occurred in a traditional divorce.

Local attorneys who have completed the basic collaborative training include: Wendy Bailey, Maura Brennan, Billie Jo Clark, Gary Gardner, Kristyn Houle, Shelley

Kester, Marian Kromkowski, Michael Lewis, Stacey Pfarrer, Katherine Ryder Purcell, Michael Richey, James Saffell, Melanie Stanton, Amy Swogger, Robert Tubbs, and Marie Walker.

The Up North Collaborative Divorce Professionals meet monthly, and will soon have information available online at: [www.upnorthcollaborativedivorce.com](http://www.upnorthcollaborativedivorce.com). Until the website is launched, information about the group, and training opportunities, can be found through the Collaborative Practice Institute of Michigan at [www.collaborative-practicemi.org](http://www.collaborative-practicemi.org).

*Submitted by collaborative attorney, Maura Brennan. Maura has concluded one collaborative case and has another in process. She can be reached at 421-5580 or at [mbrennan3@earthlink.net](mailto:mbrennan3@earthlink.net).*



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## Law Day Recap—Alicja Power Wins Liberty Bell Award

By Mike Richey, Law Day Chair

On April 30th, the Grand Traverse-Leelanau-Antrim Bar Association held its annual Law Day luncheon at the Elk's Club in Traverse City. Traverse City Mayor, and fellow Bar member, Christopher Bzdok began the festivities by proclaiming the day as "Law Day" in Traverse City.

After the Mayor's Proclamation, the winners of the Bar Association's Student Essay Contest were honored. The 9th grade winners were: McKenna Cartwright (1st place), Holly Olson (2nd place), and Meghan Ferris (3rd place). All three were students of Carol Roehrich at Traverse City Central High School.

The 8th grade winners were: Lauren Bruno (1st place), Cari Cornick (2nd place), and Katie Cooney (3rd place). All three were students of Brandi Reynolds at Traverse City East Middle School. Once again, our own Bill Rossbach and Roy Jay Montney did an excellent job in coordinating the contest.

This year's Liberty Bell Award went to Alicja Power, wife of Circuit Court Judge Thomas G. Power, who was

nominated by Mary Kavanaugh-Gahn of Legal Services of Northern Michigan. Mrs. Power is a language interpreter who frequently assists those non-English speaking members in our community understand and utilize our legal system.

The luncheon concluded with Michigan Court of Appeals Judge Alton T. Davis speaking on the topic of "*Law in the 21<sup>st</sup> Century: Enduring Traditions, Emerging Challenges.*" His speech was excellent, filled with insight and humor, including a video of some interesting facts and figures relative to the topic.

Once again, the Women's Lawyers Association staffed the morning "Ask the Lawyers" session at the Traverse City Senior Center, and several Bar members staffed the afternoon session at the Law Library.

Overall, Law Day 2010 was a huge success, and many thanks go to those who helped make it such! (And many thanks to Mike Richey who's chaired the Law Day Committee for the past several years!)

### 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.*

**2010-2011** - The GTLA Bar Association officers for 2009-2010 were elected at the May 6, 2010, annual meeting.

#### Board of Governors

President	Shelley A. Kester	922-6800
President-Elect	Mardi Black	271-3402
Past-President	Jo L. Bullis	941-1210
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	Laura Garneau	6/30/12 941-9660
	Brian A. Hall	6/30/12 932-0411
	Lawrence LaSusa	6/30/11 392-9616
	Marie Walker	6/30/12 590-5108
	Jay Zelenock	6/30/12 929-9529
State Bar	John Blakeslee	946-2700
Representatives	Robert Witkop	946-4300
Young Lawyers	John DiGiacomo	932-0411
Women Lawyers	Stephanie Hicks	929-7744
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
Continuing Legal Education	Larry LaSusa	392-9616
District Court Judicial Liaison	Jennifer Berry	929-3113
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 **September 21, 2010**, for publication in the fall issue. Questions or comments should be directed to Aaron Bowron at [legaloil@aol.com](mailto:legaloil@aol.com) or Corey Wiggins at [coreyjwiggins@aol.com](mailto:coreyjwiggins@aol.com).

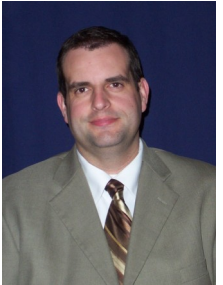
## Heard in the Halls



**Lee Hornberger** of the Arbitration and Mediation Office of Lee Hornberger was recently elected to the Representative Assembly of the State Bar of Michigan. The Assembly is the final policy-making body of the State Bar.



**Deborah Rysso** and Jeffrey Wingfield are now partners in Rizzo, Rysso, & Wingfield, PLLC. They will continue to practice in the elder law arena, focusing on Medicaid benefits for patients of nursing homes, estate planning, probate, and Social Security Disability. Attorney Wingfield will continue to practice personal injury law as well. Their law offices will be moving to 803 W. Front Street, Traverse City, MI 49684. Their phone number will continue to be (231) 933-5207.



Zirnhelt & Bowron, P.L.C. is pleased to announce that **Corey J. Wiggins** has become a partner in the firm. In addition to practicing oil and gas law, Corey will compliment the firm's litigation, real property and municipal law practice. The firm's new name is Zirnhelt, Bowron & Wiggins, P.L.C.



## Mike STEPKA for District Judge



### Endorsements



Police Officers  
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### We Need Mike Stepka as Our 86th District Judge

Mike is running for 86th District Court Judge because of his strong ties and commitment to our communities. His long-term experience in the courts will allow him to serve with integrity and excellence.

### Mike has the Experience

Nearly 20 years as a practicing attorney in the 86th District Court representing thousands of clients in criminal and civil matters. Mike is presently a defense attorney on the 86th District Court Mental Health Court Treatment Team.

### Committed to keeping our communities safe

- **Grand Traverse County Commissioner**
  - Public Health and Safety Committee
  - Community Corrections Board
- **Women's Resource Center Board of Directors**
- **Legal Aid Clinic** volunteer for Third Level Crisis Center and Women's Resource Center
- **TART** board member
- **Pro Bono Award recipient** in 2007 from Grand Traverse, Leelanau, and Antrim County Bar Association
- Former defense attorney on the 86th District Court "specialty court" **Sobriety Treatment Team**
- Former member of the initial local **Domestic Violence Task Force Team**
- **Traverse City Jaycees** former board member and president
- **Junior Achievement** former classroom instructor
- **National Ski Patrol** (1987-2007)
- **Cherry Capital** Cycling club

*Mike was raised in Grand Traverse County and raised his family here. His wife, Cathy, teaches at Traverse City West Senior High and they have two children, Michael and Betsie. He has earned the respect of those who work in the 86th District Court and 13th Circuit Court. Mike will keep our communities safe as a fair and effective 86th District Court Judge.*

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