

Tuesday
August 27, 2002
DAILY BRIEFING

Court generates more than \$1 million for state library fund

Thanks in part to a successful "ticket moratorium" program, Detroit's 36th District Court has generated \$1,068,000 for the State Library Fund, Chief Judge Marylin E. Atkins reported.

On a monthly basis, the 36th District Court sends a check to Wayne County for approximately \$89,000 from fines collected, Atkins said. Wayne County government in turn forwards that money to the State Library Fund on an annual basis. That annual check was sent earlier this month, Atkins stated.

In a letter to Atkins, Michigan Supreme Court Chief Justice Maura D. Corrigan offered congratulations. "Few Michigan citizens, I think, realize the critical role that court collections play in supporting so many state and local services, including public libraries. Your court's accomplishment truly benefits all the people of Michigan," Corrigan wrote.

The court collected more than \$3.5 million in its ticket moratorium program, which began May 13 and ended June 28. Under the program, those who owed overdue tickets paid only half the assessed fines. The program covered tickets from 1993 through 2001.

In addition, Atkins said, the program meant that "Thousands of citizens in the state of Michigan can now drive legally, instead of on suspended licenses.

"Our court staff worked very hard to ensure the program's success," Atkins added. "Kudos are due to them for all the benefits of this program."

The 36th District Court has more than 500,000 criminal and vehicle cases annually. More than half are for traffic tickets, Atkins said.

Fall golf fund raiser hosted in support of Judge Lita M. Popke

The Committee to retain Wayne Third Judicial Circuit Court Judge Lita M. Popke, Family Division, will host a Fall Golf Fundraiser on Thursday, September 19, beginning at 9:30 a.m. at Fox Creek Golf Club in Livonia.

The cost of \$100 per person includes 18 holes of golf, cart, Continental breakfast, lunch, and a beverage after golf at the Sideline Bar & Grille. Sponsoring a hole also costs \$100.

Registration must be received by Friday, September 6.

To register, mail name, phone number, others in foursome (if applicable), and check payable to the Committee to Re-Elect Judge Popke to c/o Tucker Tobin P.C., 65 Cadillac Square, Suite 3801, Detroit, 48226-2894.

For further information, call Gordon Knox at (313) 963-1100; Kathleen Cole at (734) 425-3000; or Tucker Tobin at (313) 961-6700.

Notices of courts and public places

Please be advised that the Wayne County Probate Court (Detroit and Northville offices) will close on Monday, September 2, 2002, in observance of Labor Day.

Both the Detroit and Northville offices of the Wayne County Probate Court will reopen at 8 a.m. on Tuesday, September 2, 2002.

MILTON L. MACK JR.
Chief Judge, Wayne Probate Court

The Wayne Third Judicial Circuit Court Civil, Criminal, and Family Divisions will be closed on Monday, September 2, 2002, in observance of Labor Day.

MARY BETH KELLY and TIMOTHY M. KENNY
Chief Judges, Third Judicial Circuit Court

The Wayne County Clerk's Office will be closed, Monday, September 2, 2002, in observance of the Labor Day.

CATHY M. GARRETT
Wayne County Clerk

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CRIMINAL DEFENSE ATTORNEYS OF MICHIGAN (CDAM) President F. Martin Tieber (right) and Barry Scheck attended the opening of the Michigan Innocence Project in March 2001, in Lansing.
Photo courtesy of CDAM

Criminal Defense Attorneys announce officers

The Criminal Defense Attorneys of Michigan (CDAM) recently announced its incoming officers for the 2002-2003 term. CDAM's newly elected president is F. Martin Tieber.

Tieber has directed the Lansing office of the State Appellate Defender since 1978 and has been with that office since 1973. He will be leaving on November 1 to enter private practice in Lansing. He will continue to handle state and federal appellate litigation and will begin a criminal defense trial litigation practice.

For six years, until 2001, Tieber represented CDAM on the Michigan Justice Training Commission and for decades has acted as CDAM's liaison with state government, particularly with the legislative branch, on substantive criminal justice issues.

Also elected to officer positions were: Marshall S. Tauber, first vice president; Margaret Sind Raben, second vice president; Patricia A. Maceroni, secretary; and Earl R. Spuhler, treasurer.

CDAM just concluded a highly successful membership drive resulting in 230 new members, bringing the association's total membership to more than 500 attorneys from every area of the state. As a result, CDAM is now in a position to add a permanent staff position, enabling the organiza-

tion to pursue its priorities more aggressively. A special board meeting will be held on Saturday, September 28, in Mt. Pleasant to assess options and make critical decisions regarding the future of the association.

On taking office, Tieber laid out his top priorities for the coming year: First, CDAM is committed to working with the American Bar Association supported Gideon Project in Michigan, organized by the Michigan Council on Crime and Delinquency, to correct funding imbalances in the state's criminal justice system.

"The president of the State Bar of Michigan, in an open letter to the entire bar of this state, recently decried Michigan's embarrassing position of rock bottom in the country in providing funding for criminal defense services for the poor," [See president's letter, Michigan State Bar Journal, Volume 81, No. 1, January, 2002, p. 8] Tieber said. "Everyone who works in criminal justice knows that the quality of justice depends on resources provided. Our adversary system cannot function when one side has the tools and the other side does not."

CDAM will be supporting the efforts of past-president Frank D. Eaman who is spearheading efforts to provide reasonable fees for indigent defense services in Wayne County.

Eaman and the Wayne County Criminal

Defense Bar Association, through its president, Matt Evans, are currently negotiating with the chief judges of Wayne Third Judicial Circuit Court to redress fees that have not increased in decades and were recently scaled back 10 percent. It is hoped that these talks will produce a viable proposal to the Wayne County Commission for additional funding. If efforts seeking a negotiated increase in indigent counsel fees are not successful, litigation will ensue with the pro bono assistance of attorneys from Kirkland & Ellis, one of the largest law firms in the U.S., based in Chicago.

Second, Tieber wants the Criminal Defense Attorneys of Michigan to increase input from the criminal defense bar to the state legislature. For many years this function has been handled by the State Appellate Defender Office, but recent policy changes have virtually eliminated that state agency's ability to address the legislature on proposed criminal justice legislation.

"The prosecutor's association is well staffed and does a remarkable job of moving their legislative priorities," Tieber said. "CDAM must work to fill the gap left by the State Appellate Defender's removal from this arena to provide a balanced view for legislators and legislative staff or Michigan's spending on prisons will eventually bankrupt the state budget."

Supreme Court justices get long summer vacation

By ANNE GEARAN
Associated Press Writer

WASHINGTON (AP) — Like most teachers, Supreme Court justices take a long summer vacation. And some justices, like some teachers, earn a little extra cash by teaching summer school.

As usual, the court finished this year's term by July and won't begin to hear cases again until October. The break allows for trips outside the capital and for busman's holidays

spent lecturing law students in Italy or the Greek coast.

American law schools sponsor the programs, which typically offer salaries as well as travel, hotel and food expenses. Schools consider it a coup to land a Supreme Court lecturer, who gets headline billing and helps attract paying students.

Louis Del Duca, who directs overseas summer programs at Penn State's Dickinson School of Law, said justices and students benefit from the experience.

Supreme Court justices may accept no money for giving speeches or performing ceremonial duties but may get paid for teaching or writing books. They must report outside income, such as teaching fees, but do not have to list the value of travel expenses paid by law schools or other institutions and organizations that invite the justices to speak.

A look at Supreme Court justices' teaching arrangements for 2001, as listed on federal financial disclosure forms filed in 2002:

—Chief Justice William H. Rehnquist earned \$12,500 for 10 days teaching in Strasbourg, France, last summer. The seminar was sponsored by Penn State's Dickinson School of Law, which also picked up the cost of his airfare, hotel and meals. Rehnquist drew \$7,829 for 12 days' teaching at the University of Arizona earlier in the year.

—Justice Sandra Day O'Connor reported no teaching fee for three days' work in Innsbruck, Austria, as the guest of St. Mary's School of Law. The San Antonio school paid her way.

—Justice Antonin Scalia earned \$2,000 for a week's work teaching at a Tulane University law school program in Thessaloniki, Greece. The school paid his expenses. Scalia also reported \$6,000 for two days' work at Hofstra University in New York in September. He collected \$5,000 for two days' teaching at Southern Methodist University in Dallas and \$3,000 for two days at Marquette University, Milwaukee. The University of Missouri, Columbia, paid

him \$5,500 for two days' teaching in November.

—Justice Anthony M. Kennedy was paid \$16,500 for a month's teaching assignment in Salzburg, Austria, sponsored by the University of the Pacific's McGeorge School of Law. The Sacramento, Calif., school paid his way. Kennedy also earned \$2,000 for three days' teaching at Indiana University in Indianapolis in September. The school paid his way. He picked up \$1,500 for two days' work at Fordham University in New York.

—Justice Clarence Thomas earned \$15,000 for teaching a seminar in February at Creighton University in Omaha, Neb., which paid his expenses. He picked up \$1,500 from Indiana's Valparaiso University in November.

—Justice Ruth Bader Ginsburg was paid \$10,000 for a two-week July teaching assignment in Nice, France, and London. The program was sponsored by Hofstra University on Long Island, N.Y., which paid her expenses. She reported taking no fee for teaching at the University of Melbourne in Australia in February. She was paid \$5,000 for a two-day jurist-residence program at Washington University in St. Louis, but donated the fee to five arts organizations.

—Justice Stephen Breyer reporting no fee for one-day seminars at New York University in February and Harvard in December.

—Justices John Paul Stevens and David Souter reported no teaching assignments in 2001.

By The Associated Press

Judge says suit drew too much publicity

DETROIT (AP) — A judge has dismissed a sexual harassment lawsuit against Ford Motor Co. because the plaintiff illegally generated publicity that could have influenced potential jurors.

Wayne Circuit Judge William J. Giovan ruled that Justine Maldonado and her attorneys violated state law by staging protests, distributing leaflets, and providing information to the media about a defendant's criminal history and allegations that he harassed other women, The Detroit News reported in a recent story.

"The behavior in question has been intentional, premeditated, and intransigent," Giovan said in his decision.

"It was designed to reach the farthest boundaries of the public consciousness. It should be presumed to have had its intended effect."

Maldonado, a worker at the Wixom Assembly Plant in suburban Detroit, alleged that Dan Bennett, a supervisor, exposed himself to her on three occasions and demanded sex.

In 1995, Bennett was convicted of exposing himself to three women while driving a company car on a suburban Detroit freeway. But the conviction was later expunged from his record.

The court ruled in June that Bennett's conviction and his alleged behavior toward other women could not be used as evidence at trial.

Ford cited the pretrial publicity in asking Giovan to throw out the case.

Attorney Miranda Massie, who represents Maldonado, said the ruling violates free speech rights.

"We're going to immediately appeal," Massie said. "Pretrial publicity is simply not a basis for dismissing a case."

Ford attorney Elizabeth Hardy said Massie is "twisting" the judge's decision.

"They want the focus to be on squelching free speech, but that's not the issue here," Hardy said. "The issue is misconduct. Dismissing a case for misconduct is by no means unprecedented."

Commission to drop lawsuit if it can cut ties

DETROIT (AP) — The Wayne County Commission voted unanimously at a closed meeting to drop its lawsuit to remove the new authority that operates Detroit Metropolitan Airport in return for certain assurances.

The commission planned a news conference this week to announce its new position, The Detroit News reported.

The federal lawsuit, filed in April, argued commission approval, or at least consultation, was needed to transfer the airport's operating certificate. The transfer amounts to taking county property worth more than \$2.1 billion without due process or compensation, according to the lawsuit.

In the meeting last Thursday, the commission decided it wants assurances it will have no liability for about \$1.7 billion in airport bonds that attorneys for the commission and the county treasurer believe the county could be forced to repay in case of a default by the airport and airlines.

The authority is negotiating with two German banks and an insurer for the financial backing of \$114.2 million in airport bonds.

The commission must sign off on any deal the airport authority reaches to renew the letters of credit, which are due to expire.

The airport authority, which took over the airport Aug. 9, was the result of a deal (See AIRPORT SUIT, Page Two)

Holiday schedule

Offices of the *Detroit Legal News* will be closed Monday, September 2, in observance of Labor Day.

The deadline for legal notices, cancellations, and corrections for publication on September 2nd and 3rd, need to be submitted by Thursday, August 29, by 5 p.m.

The regular office schedule and legal publication deadlines will resume Tuesday, September 3, 2002.

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

Investors Lose

Michigan Christian-based company causes investors to lose millions.
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Counselor's Corner

Fred Cavaiani discusses the lessons of life.
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They're Back

Lions make Ford Field their new home as they return to Detroit.
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