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**NEWSLETTER
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David J. Newblatt



A DECADE OF PUBLICATION

Hearsay, the e-newsletter of the Genesee County Probate and Circuit Courts started in October 2014. The genesis for the endeavor was a recognition that other newsletters were being published around the county and other courts around the state. It seemed like a good idea.

A small committee was established and the mission discussed. It was universally agreed that the newsletter should be informative about the courts, emphasizing both the history of the Courthouse Square and at the same time highlighting the court of the future. There would be a standing article by the Chief Judge, a new employee spotlight, a local events page, court briefs for short notes of importance or particular recognition and a court administrator corner.

With a total distribution of over 1000 recipients, the commitment has always been to be informative to a broad range of readers who take the time to read the newsletter.

Second, it would be an *e-newsletter*, not distributed in hard copy format.

Lastly, all editions, must be published on time. It is with a great deal of satisfaction that I am able to report that all editions since 2014 have been published on time.

The newsletter committee was first tasked with naming the publication. A call for titles was put out to court staff, with anonymous submissions requested. There were many suggestions, but *Hearsay* won the vote. A perfect title for a court publication comprised of information from a variety of sources. Over the years, many other courts have complimented us on the name.

This edition features a retrospective on the various mastheads that have been used, often designed by David Combs, Court IT Director, and former employee, Fredericka Savage.

There is also a compilation of articles that are representative

of the quality of content that was always the goal. Every effort was undertaken to be informative, not trivial. All of the court staff who have served on the *Hearsay Committee* are appreciated.

A list of the committee members, past and present, are included here:

- Jim Bauer
- Brandi Bohn
- David Combs
- Rob Gifford
- Cindy Grossbauer
- Holly Haynes (Ostrom)
- Rhonda Ihm
- Tony McDowell
- Diane Melton
- Barbara Menear
- Sam Olson
- Janet Patsy
- Fredricka Savage
- Jennifer Strauel
- Christine Vliet
- Angie Westfall
- Tricia Wright

We hope that you enjoy this edition.

Clicking the edition text boxes will open the full publication.
Example:



GENESEE COUNTY
CIRCUIT AND
PROBATE COURTS
E-NEWSLETTER

a quarterly publication

MASTHEADS REVISITED



GENESEE COUNTY
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a quarterly publication



GENESEE COUNTY
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THE CHIEF SPEAKS

There have been 3 Chief Judges since *Hearsay* started publication, Judge Richard B. Yuille, Judge Duncan M. Beagle and Judge David J. Newblatt. The "Chief Speaks" is a standing article included in each edition.

Selections are provided below.

October 2015 Edition

Double Jury Courtroom Upgrades

The *Courthouse Square Project* provided an opportunity to add a double jury courtroom.

"Courthouse West" was dedicated in July 2001 and has been well used ever since.

Judge Farah is assigned to the double jury courtroom, but it is often used by other judges as the need arises. Over the years, we have come to understand that the double jury courtroom needed revision.

One design issue was the location of the witness box. Because of the increased number of attorneys and litigants in the larger courtroom, sight lines to the witness were compromised when the maximum number of participants were seated at the litigation tables. The ability for all participants to see the witness is critical to the integrity of the proceedings.

Second, the ever increasing use of courtroom technology caused

us to consider what has been introduced in other courts around the country. Technology



is changing at a fast pace. Some of the developments are particularly helpful.

Passing to jurors, hard copy documents that have been admitted as evidence, causes a delay in the proceedings. Asking a witness to review hard copy documents and perhaps noting where he or she was located in the photograph may best be done by means other than hard copy.

After working with the Genesee County Purchasing Department

and the Genesee County Board of Commissioners, an architectural and courtroom design firm was retained. Several remedial options were reviewed and one selected as the final scope of work.

The initial piece of the project has begun. A courtroom users group was assembled to share with the firm the shortcomings of the space and suggestions were re-

ceived for improvements. Based upon those remarks, and others by judges and court staff, there is a plan.

The witness box will be projected further into the well of the courtroom for improved sight lines.

The courtroom recording system will be upgraded and an amplification system installed.

There will be a "smart cart" that will include a projector, Elmo and other technology equipment that will be available to all at-

torneys. The court technology team will conduct training sessions, at frequent intervals, to allow trial attorneys to operate the equipment.

The wall directly across from the jury will have a large screen, @164 inches on the diagonal, and a ceiling mounted projector. The bench and all litigation tables will have monitors for visual presentations. In addition, there will be a large screen behind the witness box for remote witness participation and a monitor directed toward the public gallery.

The court technology team will be associated with the project and provide leadership as we move forward.

The timeline for the project contemplates weekend work as much as possible, to allow the courtroom to remain in use.

There may be a 2 week period where the courtroom will be unavailable. Completion is expected in the spring of 2016.

-cjrby

January 2022 Edition

PAGE 2

THE CHIEF SPEAKS

WHAT REALLY MATTERS

Friday, December 28, 1990, is a day I will never forget. I was walking down South Saginaw Street to my law office in the Mott Foundation building when a numbness came over both my legs just below my knees.

MY DARKEST DAYS

Knowing I might have some unusual ailment, I called my doctor who was a close, personal, friend. He was busy with patients and told me to lay down and call him again in an hour. An hour later I was unable to stand up.

Doctors initially thought I had Guillain-Barre Syndrome, which is a rare disorder where the body's immune system attacks your nerves. I was told 60



-80% of people are able to walk in six months. After about six weeks of therapy at FOH Hospital in Flint, I had a major setback, and decided to get a second opinion from the University of Michigan Hospital in Ann Arbor.

Within several days I was told by specialists I did not have Guillain-Barre. Their diagnosis was that I had Transverse Myelitis, which is a disorder caused by inflammation of the spinal cord. Doctors said it was unlikely I would walk again. I stayed at the U of M Hospital

and began physical and occupational therapy.

For the next several days I stayed up all night wondering about my future life. Will my fiancée, Dana, stay with me? Will I be able to work again? Why did this happen to me?

LIFE CHANGING DAY

At U of M Hospital I was on a floor with patients who had various spinal cord injuries.

One evening a younger man by the name of Bruce tried to begin a conversation. Still depressed, I simply ignored him. About 20 minutes later Bruce told me his story. He had been in a severe motorcycle accident and was paralyzed from the neck down. He was divorced and had custody of his three children until his accident. He told me he had no use of his

hands and arms. He was unable to feed himself, change the channel on the T.V., and needed assistance any time he went to the bathroom.

From his own observations, Bruce felt confident I could continue doing 80 - 90% of the everyday tasks I had done prior to my being hospitalized. He concluded by saying, "Just remember, things can always be worse; look at me."

ATTITUDE CHANGE

Bruce and I talked for hours that evening. Simply put, he brought me out of my depression and changed my whole attitude. I looked back and thought about the positive things in my life: My 78 year old father (a.k.a. Legal Beagle) came out of retirement from

(Continued on page 11)

THE CHIEF SPEAKS (CONT'D)

(Continued from page 2)

his home in Florida to help maintain my law practice. For the two months I was at U of M Hospital, Dana drove down to Ann Arbor from Flint every day to check on me. A half dozen local lawyers volunteered to take over several of my cases without compensation.

Nearing the end of my hospital stay, Circuit Judge Phillip Elliott resigned from his position. With the support of so many people, I applied for the vacancy and in June of 1991 I was appointed to fill the vacancy by the Governor. A few months

later, on September 7, 1991, Dana and I exchanged vows.

WHAT REALLY MATTERS
As I reflect back on the year of 1991, I learned some valuable lessons and what really matters in life. Life experiences have taught me to not get caught up in all the bad news around me.

We presently live in a divided country. The pandemic remains a serious problem. A U.S. House Select Committee continues to investigate the January 6th attack on our nation's capital. This past year we have had heat waves, floods, wild fires, and

droughts. This past weekend devastating tornados ripped across five states from Arkansas to Illinois, killing 88 people. The death toll in Kentucky stands at 74 including 12 children. The recent tragedy at Oxford was the 32nd school shooting this year.

We cannot single handedly stop the ongoing gun violence, or the ongoing political and social unrest, however, we can learn what really matters in our daily lives. Family, faith, friends, love, health, and happiness are what really matter to me. Along with kindness, purpose, and a positive attitude. Happiness often comes

from having a purpose, loving, and accepting yourself and others, and maintaining good health.

Forget all the bad news. Ask yourself, what really matters to me?

On behalf of my fellow Judges, we send Holiday Greetings to each of you, along with best wishes for the new year! -cjdmb

THE CHIEF SPEAKS

In this edition, *Hearsay* is speaking to the Chief, instead of the Chief speaking to us.

Over the years, the Charlie Brown beagle has appeared on many cards sent by the Chief, purchased on mugs, notecards, sticky notes, attire and various other items. All brought a smile to others.

It is our turn to make him smile!

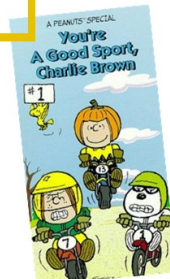
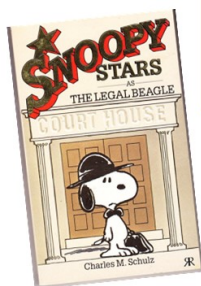


April 2022 Edition

ODE TO THE CHIEF

There once was a judge named Beagle.
He worked with commitment and zeal.
He presided, decided, and approved all good deals.
His efforts were exhausting. His body cried foul.
His absence we could not understand.
He has to return, he's gotta return, the crowd lifted up a great howl.
A tune up was done, a look under the hood and the soul of the bench marches on.

10 TRIUMPHE/Anonymous



THE CHIEF SPEAKS

In our courthouse community, we are all teammates serving the mission of justice through the decisions we make and the problems we solve. My job as chief judge is to promote our effectiveness and efficiency in a safe and enjoyable work environment.

I have done a lot of soul searching lately to settle on a helpful metaphor for how best to do this. Much to my surprise, Disney's Toy Story set up camp in my head and wouldn't leave.

I know it may sound strange, but hear me out. The toys have the mission of producing fun for Andy. Their leader is Woody, a sheriff doll who believes that Andy will always have fun if the toys just do things the way they always have. But the toys are on edge because they sense that Andy's growing up will mean change for them and they don't know what to do about it.

Just then, Andy gets a new cool new toy: a flashy modern space toy with a cool name—Buzz Lightyear. Buzz exhorts the toys to go, "To infinity and beyond!" Woody's jealousy of Buzz causes them to go on a harrowing adventure where they are ultimately forced to work together as a team. They bond through this experience and pledge to work together to continue to provide fun for a maturing Andy.

The more I thought about it, the more relevant the lessons of Toy Story seemed. Woody represents the core mission of judging as

envisioned in the days of yore, when decisions were made by crusty gavel-banging judges in their musty spittoon-laden courtrooms.

Time moved more slowly then, with trials being conducted only on half days due to the summer heat. Woody's theory of courthouse management would consist of the exhortation, "Let's get this wagon train a-movin'!"

Ah, how times have changed! Even Woody senses it when he says, "I can't stop Andy from growing up, but I wouldn't miss it for the world."

Well, here we are: our community continues to struggle with poverty and crime while it tries to get beyond the water crisis. Our criminal and dependency dockets have exploded, while the water crisis demands more from our civil and probate dockets.

Politically, our national polarization presents new challenges for courts. Meanwhile, there are new requirements imposed upon all courts for reform through reorganization, streamlining, utilization of technology, accountability and transparency. All of these dynamics became turbo charged with the pandemic. In other words,

our courthouse has more cases, harder problems, higher expectations and more scrutiny. As Woody would say, "This is a perfect time to panic!"

The good news is that our courthouse has been in the vanguard of innovation—going "to infinity and beyond"—for decades and it is a part of our culture.



We have been on the cutting edge with regard to the use of technology and new management approaches to improve our capacity to achieve justice in modern times. Also, we were among the first and now are the most prolific with regard to treatment courts, which help to reduce criminality and child neglect by addressing substance abuse and mental health needs.

As we face the future, we will need to continue to channel our inner Toy Story to meet our challenges. Here are a few current examples of how we're doing this:

- We have completely overhauled our dockets and judicial assignments in both the criminal/civil and family divisions.

As Sid wisely observed, "No one's ever attempted a double bypass brain transplant before!"

- A brand new Family Court Plan is currently being instituted in a division in which three of four of the judges have been sworn in only within the last few months. I'm excited to welcome my new judicial colleagues and can imagine them saying, as Woody did, "I'd like to join your posse boys, but first I'm gonna sing a little song."

- We are continuing our efforts to return to normal operations after the pandemic. This includes addressing a huge backlog of cases through a grant from SCAO. As Buzz would say, "I've set my laser from stun to kill!" But good ole Woody puts things back in perspective when he chides, "Oh, great. If anyone attacks we can blink em' to death."

- We continue to work through the bumps in our transition to our new case management system. Woody might exclaim, "There's a snake in my boot!"

- Thinking of Andy's room as a metaphor for the courthouse is helpful because it encourages us to use innovation in the face of change in order to accomplish our core mission of providing justice. And I think it's helpful in another way too—it reminds us that what we do here, although serious business, can also be fun. —cjdjn

The feature article was intended to be the highlight of each edition. Hearsay published many informative feature articles over the years.

A few are included below, along with other "inside the edition" articles of particular note.

July 2015 Edition



GENESEE COUNTY
CIRCUIT AND
PROBATE COURTS
E-NEWSLETTER

a quarterly publication

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Richard B. Yuille



GENESEE COUNTY SPECIALTY COURTS

Specialty Courts are problem solving courts that divert offenders into special programs designed to get at the underlying issue.

Over the past 15 years several specialty courts have been implemented in the Genesee County Circuit and Probate Courts. They represent a shift away from the adversarial concept of justice towards the view that therapeutic justice can be used to address the underlying problems of the offenders.

In this article, an overview is provided of the family division specialty courts. In the next newsletter we will examine the specialty courts associated with the civil/criminal division. A listing by judge and a brief description of each specialty court follows.

Judge Barkey
Juvenile Mental Health Court is focused on identifying youth with mental health problems and getting them treatment. The program started in 2009. The participants range in age from 12 to 17 years old. Youth attend court weekly along with their parents and case managers to review progress with the judge. School performance and medication compliance are moni-

tored. Successful graduates often return to share their continued progress. Currently there are 12 participants in this specialty court. **(Court Staff: Jill Bade, juvenile probation officer; Gail Redmond, clerical**



support)
Judge Behm
Parent Representation Project is a SCAO sponsored pilot program designed to improve legal representation for parents when the child welfare system is proceeding to separate families. A social worker is assigned to work exclusively with the attorneys for the parents and engage families in the child welfare process. The goal is to increase parent participation and to accelerate reunification. Currently there are 16 participants. **(Tiffany Stachiw, SCAO)**

Judge Beagle
Attendance Court was designed to target teens with excessive absenteeism and aims to

identify and address the reasons underlying truant behavior. Services are provided through a partnership with Spectrum Human Services and the Genesee Intermediate School District. Spectrum Human Services works with students and the families to develop and monitor a plan to improve attendance. Community resources may also be identified to help students and families overcome barriers that prevent attendance. In 2015, there have

been 132 referrals to Spectrum. **(Court Staff: Suette Brown, clerical support)**

Family Dependency Drug Court became operational in 2001. This court consists of child abuse and neglect cases where parental substance abuse is a primary factor. Substance abuse treatment and case management services form the intervention core with the Department of Health and Human Services providing family monitoring and support. Family reunification is the goal. Currently there are 13 participating families. **(Court Staff: Quinton Williams, drug court supervisor;**

(Continued on Page 3)

SPECIALTY COURTS (CONT'D.)

Melanie Szelogowski, coordinator; Svette Brown, Mary Moors clerical support)

ADAPT Program (Acquiring DNA and Paternity Timely) The ADAPT Program is an initiative to develop an expedited process to establish paternity, the resulting child support case and services for eligible families. Eligible participants will be identified through Friend of the Court informational sessions and outreach at the Hurley Hospital Prenatal Clinic. The goal is to expedite the paternity establishment process and to increase child support collection. There are currently 46 cases in the program. (Court Staff: **Tony McDowell, Danielle Wenzel, FOC case worker**)

**Judge Gadola
Juvenile Drug Court**

began in 2001 and consists of a three phase intervention program for juvenile offenders. Using an assessment/risk tool, juveniles are screened for eligibility, their commitment to the program and their past delinquent history. There are currently 12 participants. (Court Staff: **Jamie Bielert, juvenile probation officer; Lisa Flora, clerical support**)

**Judge Newblatt
Infant Toddler Treatment Court aka Baby Court** aims to make changes for abused and neglected children in foster care from newborns to age four by focusing on parenting skills. The children and their parents are evaluated and treated by an Infant Mental Health Specialist. A treatment plan is then developed to meet the individual needs of each parent-infant pair. An addi-

tional component of Baby Court is the Nurturing Parent Curriculum. The focus of this court is to reach permanency faster, strengthen the parent-child relationship and reduce the chance of being placed in foster care again. There are currently 8 participants in Baby Court. (Court Staff: **Gail Redmond, clerical support**)

Girls Court is a gender specific court that targets the commercial sexual exploitation of adolescent females. It is the newest specialty court and became operational in January 2015. Monthly review sessions are held that focus on trauma treatment, supervision and mentoring opportunities. There is a capacity of 12 females in this court. (Court Staff: **Natasha Walker, Juvenile Program Specialist, Gail Redmond, Clerical Support**)

Over the past 15 years several specialty courts have been implemented in the Genesee County Circuit and Probate Courts. They represent a shift away from the adversarial concept of justice towards the view that therapeutic justice can be used to address the underlying problems of the offenders.

HEARSAY

GENESEE COUNTY
CIRCUIT AND
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VOLUME 5, ISSUE 2

JANUARY 2019

A NIGHT OF HONOR



Judge Fullerton was the first female attorney to be elected a 68th District Court Judge, where she served from 1980-1982 and was then elected to the Circuit Court in 1982, where she became the second female to hold the position.



On December 13, 2018, the Genesee County Bar Association hosted "A Night of Honor" for Judge Judith A. Fullerton and Judge Geoffrey L. Neithercut at the Genesys Conference & Banquet Center. Both judges will retire at the end of the year.



Kendall Williams was the master of ceremonies, with speakers that included: Jessica Hammon, President, Genesee County Bar Association, Judge Duncan M. Beagle, Prosecutor David Leyton, Kyle Riem, Jennifer Martin, Nancy Chinonis, Tom Pabst, Gregory Meihn, Judge David J. Newblatt and Chief Judge Richard B. Yuille.



Photo credit: Tom Kaza



Judge Neithercut served as a 68th District Court Judge from 1986-1994 and was then elected to the Circuit Court in 1994.

The honors bestowed on both judges came from their judicial colleagues, members of legal community and many other individuals who have worked with both of them over the years on community boards or events.



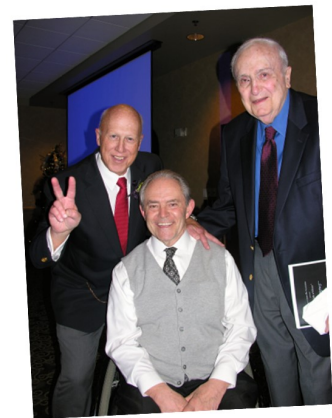
(Continued on page 7)

A NIGHT OF HONOR (CONT'D)

The evening was topped off by a presentation from the Michigan Supreme Court honoring both judges and presented by Justice Elizabeth T. Clement. Also in attendance was Megan Cavanagh, Justice Elect to the Michigan Supreme Court. –bam



*Justice Elizabeth T. Clement
Michigan Supreme Court*



Judge Neithercut, Judge Beagle, Judge Yeotis



Judge Fullerton Family



Judge Neithercut family



Judge Yuille

*Photo credit: A Night of Honor: Attorney Referee
Shelley Spivack*



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Richard B. Yuille



SONS OF UNION VETERANS OF THE CIVIL WAR

After the end of the American Civil War, the Union Veterans of the Civil War organized into the Grand Army of the Republic (GAR).

Membership was restricted to those who served in any branch of the military during the Civil War. It existed until 1956. The GAR was a social and political organization with the mission of preserving the history of the veterans who served.

GAR then formed the Sons of Veterans (SUV) of the United States and later changed its name to the Sons of Union Veterans of the Civil War (SUVCW) (1925) to carry on the traditions.

Membership was limited to those who could trace their ancestry to a veteran of the Civil War and then associate membership created for others

The national headquarters is located in the National Civil War Museum in Harrisburg, Pennsylvania. There are over 6,000 members of the organization and 26 departments which consist of one or more states. At its peak there were over 200,000 members.

The national organization is headed by an annually elected Commander-in-Chief and for 2018-2019 that person is local attorney Don Shaw.

The local chapter has special significance since Governor Henry Crapo was the Governor of the State of Michigan at the end of the Civil War and was from Genesee County.

During the Courthouse Square Project, the SUVCW presided over a re-dedication of one of the war memorial markers that are on the grounds of the Courthouse Square.

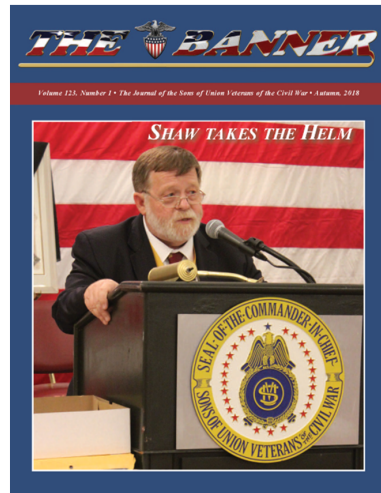


Photo Credit: "The Banner" a publication of the Sons of Union Veterans of the Civil War



Courthouse Square Re-dedication Ceremony, September 14, 2003

who subscribed to the purpose and objectives of the organization.

Don was admitted to the practice of law in 1980 and has maintained an office in Flint since that time. He has been a member of the Sons since 1994 and has held a number of positions in the organization over the years.

The Commander-in-Chief represents the organization at a variety of events throughout the year and officiates at the installation of officers for various departments around the United States.

This was occasioned by the relocation of that marker to a more suitable location. In addition, they participated in a military parade down Saginaw Street for the dedication ceremony of the new Courthouse.

It was quite a site to see when the Civil War unit, in historically accurate attire was the first group in the parade, with other branches of the military "honoring their point," in the military tradition (see photos on page 8).

Attorney Shaw and other members of the organization also

(Continued on page 7)

SONS OF UNION VETERANS (CONT'D)



Laying of a wreath, re-dedication of the Civil War marker

It may be that Governor Crapo and the high number of Michigan soldiers who fought in the Civil War were part of the reason for their destination.

During the Courthouse Square Project, the cannonballs had to be re-manufactured, many having been lost over the years. Private funds were raised through donations, primarily from Genesee County Bar Association members, to manufacture new cannonballs that are stacked in the tradition pyramid and welded together to deter theft.

of the Sons of Union Veterans of the Civil War and the Auxiliary to the SUVCW. -bam



The celebratory view of the Courthouse (the ice cream vendor made the shot complete!)

maintain the Civil War cannons and cannonballs that are on the Courthouse Square. Every decommissioned cannon that is relocated has records to verify its original location. Those on the grounds were in Washington DC and guarded the national capital.

The SUVCW handled the details associated with this project through their connections to the artisans of the period. A framed acknowledgment of donors is located on the first floor of the Courthouse.



Vintage automobiles were parked on the Courthouse lawn during the re-dedication weekend, courtesy Sloan Museum (September 12-14, 2003)

Don has also been in some of the Civil War movies such as *Andersonville*, the Visitors' Center movie at Antietam and the School of the Soldier, used by the reenactment community to demonstrate how the presentation of arms should be done.

The SUVCW was created by a Congressional Act. There are four other Orders which include the The Woman's Relief Corp, Ladies of the GAR, Daughters



The troops in formation, Don Shaw on the left



Re-dedication events are conducted according to long standing traditions



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Barbara Menear

CHIEF JUDGE

Duncan M. Beagle



THE COURT IS ESSENTIAL

This is the first time that an edition of Hearsay has not published on time since launching the e-newsletter in 2014.

It took the COVID-19 pandemic to alter the publish on time birth certificate.

Please accept the following article as the much abbreviated April 2020 edition. by Barbara A. Menear, Administrator, Circuit Court

As I write this article, we are still in the midst of the pandemic and what it means to all of us, not just to the court, but to our own sense of what matters in our personal lives. We cannot yet enter the phase of “what it will come to mean” because the scourge is still upon us.

The pandemic has revealed the best in most of us and the worst in some. Big and life changing events have a tendency to do this, if we are honest and reflect on those times in our lives when it seems like our sense of normalcy has been snatched from us.

Why is it important that a court continues to be accessible? Is a court essential and what does that even mean in times like these?

Circumstances have forced the court to narrowly interpret essential. It is not a time, however, to permit the narrow in-

terpretation to define the significance of a court.

The judiciary is essential to a free society. The prism through which this should be viewed is to imagine that there is no court.

An individual is accused of committing a crime, arrested and then what, without a court. The bedrock of democracy is the right to a jury trial and for citizens from the community to determine if there is sufficient evidence that the accused committed the crime.



The verdict is not known and only a pronouncement deferred. The trial has not yet been conducted.

Defendants are presumed innocent *unless and until* the accusations are sustained by evidence which establishes guilt

beyond a reasonable doubt. Words matter and the constitutional rules of engagement matter.

Jurors may not come to the proposition appreciating the rules. The judicial process educates and imposes the rules.

We have suspended jury trials because of the pandemic. The court is concerned about the right of the accused and the prosecutor to a jury trial. We are also mindful of executive orders to stay home, social distancing, masks and what will the unshackling of the doors mean as we try to edge back to performing the historically essential work of a court. The jury trial.

The circuit judges have been very engaged with ongoing discussions and are concerned about the inability to conduct jury trials, especially for defendants in criminal cases who are detained awaiting trial. The accusations lodged and not yet tested by a jury trial.

At the same time, executive orders have permitted judges to review jail populations for early release or reduced bonds, as if a jail overcrowding emergency had been declared by the Sheriff. The jail population is at a record low.

(Continued on page 2)

Courts do not solicit work. Courts are the judicial field of dreams.

Each of the releases has been made by a judge after a thorough review of the nature of the charge, length of incarceration and risk to public safety.

If no court and no judges, what would be the rules by which a civilized society steps up in times like these?

Judges and referees continue to confront ill treatment toward children and delinquency behavior. The court continues to have a referee on call after hours to respond to requests to remove a child from their home or from law enforcement who seeks to lodge a youth at the detention center.

These middle of the night decisions must be followed by a hearing the next day to insure that all of the parties have an opportunity to be heard and be represented by counsel.

Electronic workflow in the middle of the night must be reviewed and encrypted to prevent access to confidential information.



The behind the scenes work of a family clerk and supervisor to set the judicial table correctly before the hearings are held is vital.

Not surprisingly, people still want to get their divorces finalized. Without a court, no judgment of divorce and no movement toward the next chapter of life for parties and children. Essential, just ask the parties.

Some would suggest that civil cases do not rise to the same level of essential court work as

the ones that I have mentioned above.

In truth, perhaps a motion to compel answers to interrogatories does not have the same sense of urgency at this time.

But, does approval of a settlement which can provide funds to retrofit a home for an injured party in which to live with their family rise to the level of essential? Does settling a property line dispute which has the potential to boil over to actual confrontation rise to the level of essential? These are but just a couple of examples.

Parties and businesses have struggles. They are part of the constituency of the court. Is the court essential, yes.

I hear people talk about their "brand." Most of the time, I am not really sure what it even means. But, the brand of a court must be the neutral playing field, commitment to due process and application of the law to the cases that come before it.

The staff of the court have been outstanding, as they have been called upon to reinvent the workplace in a condensed period of time.

The State Court Administrative Office (SCAO) has passed along numerous orders from the Michigan Supreme Court directing what local courts are permitted to do and not permitted to do. Following those directives has been challenging at times.

The necessity of the orders is not in issue but implementation often has multiple layers all of which take judges, administrators and other court staff to understand and effectively roll out.

Teamwork between all of the courts, 67th District Court, Probate Court and Circuit Court has provided the foundation which permitted innovation to rise up and solve issues of first impression.

I have a renewed appreciation for the court leadership and staff who work with me every day.

While others may have stood down, the court stood up and met the challenge.

Yes, I have apologized a few times for the expediency and tone in my voice.

Every apology was graciously accepted and the underlying reason understood.

The court is essential. –bam

Is getting the proper mental health services for a person who does not realize that they need treatment, essential? The family stress associated with how to even seek the help is unimaginable for most of us.

Courts do not solicit work. Courts are the judicial field of dreams. If you build it, they will come. Why, because the judiciary is the place where citizens come to settle disputes. No more. No less.

HEARSAY

GENESEE COUNTY
CIRCUIT AND
PROBATE COURTS
E-NEWSLETTER

a quarterly publication

VOLUME 8 ISSUE 2

APRIL 2021

HONORARY
EDITION:

JUDGE JENNIE E.
BARKEY

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As Sam Olson, Probate Court Administrator, and I collaborated to dedicate *Hearsay* to our friend, colleague and longstanding jurist, Judge Jennie E. Barkey, as she continues with her knock-out punch to Round 2/Cancer, I thought of how I would describe Jennie to someone who had never met her.

It started with a chuckle and the descriptive phrases easily flowed. Who is part Saint Mother Teresa, part Auntie Mame, part any stand-up comedian that comes to your mind, unconventional in her caring and commitment, thoughtful beyond words, loyal to family, friends, the court and the community and a fearless warrior, the answer can only be Judge Jennie E. Barkey.

Looking back over the 7 years that *Hearsay* has been in publication demonstrates an abiding commitment to Adoption Day.

JEB is always good press for the January edition, having produced and participated in adoption day the November before. We have included several great photographs from those events that were included in previous editions, along with a few quotes from JEB. For those of us who know Judge Barkey, they are all vintage JEB.

Of course, there are the specialty courts over which she presides and those are referenced in this edition. We know that Veteran's Court is part of her DNA and Mental Health Court is as important to her as the daily run or walk.



A vignette of a different kind. One of the photos, and my personal favorite, was the day that JEB came to my office with a cake in her hand and told me that her brother, attorney Brian Barkey was a case evaluator in the law library and today was his birthday. Great, Happy Birthday, Brian. No, that was not enough.

She said "let's" go bust into the case evaluation in progress, sing happy birthday and she had someone with her dressed

up like a tiger to be the lead singer. Of course, it all made... no sense. In, we went.

The photo that you will see included in this edition captures the agony and ecstasy of the moment. Of course, Brian was not surprised. The attorney with the hand over his mouth is Mike Parillo. It is a perfect reaction – part laughter and part, I can't believe this is happening.

In any event, it was good for a laugh that day and many others. Once again, JEB went out of her way and her day to celebrate the birthday of her brother. I know that this was not the first time that her family was surprised and appreciated in unconventional ways.

One of the funniest episodes that I shared with JEB was a very long time ago. Her son, Joseph, was young. He might have been 4 or 5 years old and JEB was the Friend of the Court. It was Halloween and Joey dressed up like one of the Blues Brothers.

The black suit, hat, sunglasses, handcuffed briefcase, the real deal. Judge Hayman was the Chief Judge and located on the 5th floor in the Judge Beagle space, pre-renovation. There

(Continued on page 7)

THE NOTORIOUS JEB (CONT'D)

was a jury deliberation room adjacent to the courtroom.

Picture this: A delegation of attorneys from an Eastern European country were visiting Genesee County and contacted me about making a courtesy stop at the Circuit Court. It was arranged and of course, they would meet the Chief Judge.

None of them spoke English or did not speak it well. A translator was on board. Judge Hayman was running late. The delegation and I went to the jury deliberation room to await his arrival.

JEB showed up with Joey, dressed for Halloween to see Judge Hayman. As I earlier wrote, he was running late. Judge Hayman's secretary must have said that I was in the jury deliberation room and JEB came my way. Yes, Joey was with her.

The door to the jury deliberation opened, the Blues Brother entered, the entire delegation stood up, Joey was shocked but pleased and for just a minute, the visitors thought that Judge Hayman had arrived.

The translator could not translate quick enough to straighten all of this out! It was funny then, has been funny over the years and is funny as I write this. Joey has grown up, lives on the west coast, but is still a charmer.

And then, Sam reminded me about the time that Judge Barkey went to the home of woman at the end of life and presided over the adult adoption of her stepchildren. The woman succumbed later that day and Judge Barkey was thanked in her obituary.

Such a gesture was priceless to the family and a debt for which no payment was needed beyond the satisfaction of its judicial performance.

DO NOT bet against the strength and perseverance of the notorious JEB. You will lose.



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MURALS OF THE HISTORIC GENESEE COUNTY COURTHOUSE

An intriguing mystery was to be solved, as the Courthouse Square Project (1998-2003) moved into the restoration phase. The Courthouse is graced with original murals that dignify and adorn two historical courtrooms. However, the identity of the muralist was unknown.

No obvious signatory marks or records identifying the artist could be found. A keen interest developed in discovering his identity. The historic renovation of the courtrooms, and their return to grandeur, made the quest more urgent. Many art institutes, archival sources, libraries and newspaper articles were consulted.

The murals were prominently featured in a 1926 newspaper account of the grand opening of the Courthouse. It was written that they were an “instant crowd pleaser with the touring public.” The composition of the murals was extensively reviewed.

Notably absent from the article was any reference to the artistic contributor. A trip to the State Archives at the Michigan Historical Center in Lansing was made. Minutes from the 1925 and 1926 Genesee County Board of Supervisors were on file and made reference to the courthouse construction. The name of the muralist was not included in the materials.

The Michigan State Capitol Historian, Kerry Chartkoff, was contacted, to draw upon her experi-

ence in discovering the identity of the muralist whose works adorn the Capitol Building in Lansing. For many years, the identity was unknown.



Ms. Chartkoff suggested sending out letters of inquiry to museums, historical societies and art institutes. Letters were sent to the Chicago Art Institute, Cranbrook Art Academy, Detroit Institute of Arts and others. Photographs of the courthouse murals were included. Hope began to fade, when responses were not forthcoming.

Shortly thereafter, and quite unexpectedly, an art conservationist from Chicago contacted the court. The caller inquired as to whether there were *Edgar Cameron* murals in the Courthouse. She was involved with the restoration of another Cam-

eron mural in the Chicago area.

The Genesee County Courthouse was said to be mentioned in the biographical information of *Edgar Spier Cameron* in *Who's Who in American Art*. An immediate trip to the Flint Public Library and a rapid Internet search for similar works, confirmed that Cameron painted the murals.

Still unknown is how Cameron became associated with the mural project at the Courthouse. The 1920's were a rich period of growth for Genesee County, with industrialists and visionaries firmly imbedded in the community. One can only surmise that someone, somehow came across Cameron perhaps in their travels to Chicago.

There is something left to discover for the next caretakers of the Courthouse. -jep/bam



Muralist

Edgar Spier Cameron (1862–1944) was born in Ottawa, Illinois and studied in Chicago, New York and Paris. He returned to Chicago with his French-born artist wife, Marie Gelon. As an art critic for the *Chicago Tribune* (1890–1900), he participated in the World's Columbian Exposition and interpreted new art for the public. He won the Paris Exposition Silver Medal in 1900. His works were prominently displayed at a number of shows at the Chicago Art Institute.

Cameron had a wide range of interest in subject matter, including portraits, landscapes, genre and historical paintings. Some of his paintings resulted from travels to Belgium, Brittany and Paris. It is clear from the inventory of his work, that American history and landscapes were of special interest.

A portion of his artistic career was spent on mural commissions. He was one of the artists who worked on *The Chicago Fire* cyclorama prior to the 1893 World's Fair. A number of his murals remain intact in prominent buildings in Chicago.

One of his mural commissions (*right and below right*) merit further notice. The murals, now located at the Mead Public Library in Sheboygan, Wisconsin are particularly reminiscent of the murals in the courthouse.



Scenes (above and below) from Courtroom No. 3 depicting the trade importance of the Flint River and Native American presence in Genesee County.



"William Paine and Colonel Oliver Crocker with Native Americans in the Building of the First Dam on the Sheboygan River" (above) and "Sheboygan Industry and Education" (below)



Restoration of Courtroom No. 1



The murals in the third floor courtrooms were the showpieces of the Courthouse when it opened in 1926. The mural panels in Courtroom No. 1 represent the industries that provided economic growth in the region; lumbering, agriculture and manufacturing. Though painted in 1926, the mural was reminiscent of the monumental artistic works commissioned in the depression, under President Franklin D. Roosevelt's Works Progress Administration (WPA).



Air conditioning and suspended ceilings were introduced to the Genesee County Courthouse in the early 1970s. It was during this period that sections of the mural below the ceiling line were removed. The whereabouts of the removed mural pieces remain unknown. *(Left)*, is a picture of the courtroom as it appeared in the 1970s and until the mural was recreated



A 1926 black and white photograph and the remaining mural pieces above the ceiling line *(above)* provided the basis for mural recreation.



Restoration of Courtroom No. 2



Courtroom No. 2 was the only historical courtroom that remained true to its original appearance, except for over-painting the gold leaf ornamentation. As such, it remained more historically accurate in appearance.



The original chandeliers in this courtroom were cleaned and restored. Additionally, the sources of light within these fixtures were augmented to provide sufficient lighting for the courtroom occupants. Remarkably, this electrical upgrade did not alter their appearance. The restored fixtures also became a model for replication of eleven similar fixtures in the historic courtroom spaces. They are solid brass and copper.



The mural composition in Courtroom No. 2 reveals classical and allegorical themes. The muses at the upper corners represent symbolic figures of justice. The fascies, bundles of rods bound together around an ax, were emblems of authority in the Roman era. Common, Natural, Roman and Mosaic Laws are also noted.

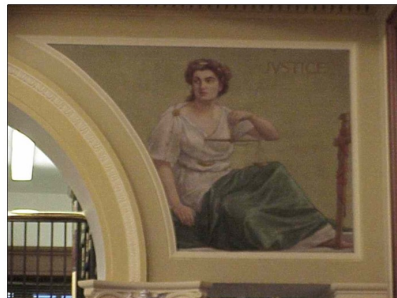
Murals Compared



Jurisprudence

A grouping of four murals in the Illinois Supreme Court Library in Springfield, offer striking similarity to the classical murals in Courtroom No. 2.

The four are painted to represent the ideals of: *justice, precedent, jurisprudence and knowledge.*

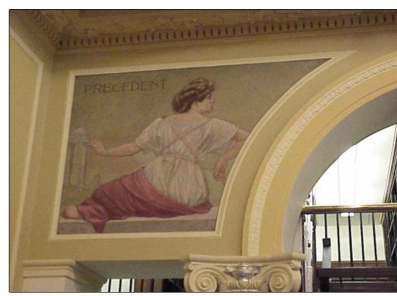


Justice



Knowledge

*Photo credit:
Chicago Conservation Center*



Precedent



The murals of Courtroom No. 2 feature depictions of *Mosaic Law (left), Natural Law (above) and The Codification of Roman Law by Justinian (right).*



Restoration of Courtroom No. 3



This was the largest courtroom. The original back wall was the Saginaw Street facade. The current back wall of the courtroom was added sometime thereafter. The added walls created an office for a court stenographer and two small private offices. The modernization of the mechanical systems changed beautifully proportioned spaces by adding suspended ceilings.

The courtroom features a mural depicting the crossing of the Flint River at Saginaw Street. *The Flint Daily Journal* described the mural in an article of November 7, 1926, as being the “most interesting from an historical point of view.” The crossing would later become the focal point of downtown Flint. The artistic expression also captured the culture and heritage of the Native Americans that were in the area. *Jacob Smith*, the founder of Flint, built his trading post near the crossing.



Significant effort was undertaken to return all third floor courtrooms to their original interior colors. No historic photographs were found to illustrate the original decorative scheme. By carefully removing layers of non-historic paint, original brush strokes were discovered. Each courtroom is a combination of several colors and glazing techniques. The *Dutch metal* cornice near the ceiling line was returned to its original luster. Gold leaf was reapplied to the raised panels.

A decorative stenciling pattern, unique to Courtroom No. 3, was revealed during the paint restoration process. A trompe l'oeil technique was added to the back wall to add dimension and perpetuate the overall decorative theme.

“Once again, we are reminded of a remarkable artist who brought murals to the Courthouse and the second remarkable artist who came 75 years later.”

On the fifth floor, in a courtroom currently occupied by Judge Beagle, the newest courthouse mural can be seen.

With private funding from the Genesee County Bar Association, Genesee County Bar Foundation, the legal community and other benefactors, a mural that captured the development of Genesee County through its small cities and townships was conceived. The mural also depicts local leaders from various walks of life.

The mural was created by Stefan Davidek (1924-2016) and many other talented members of the Davidek family. When the mural was formally dedicated and received on September 28, 2007, it was a Davidek reunion, with many family members in attendance to celebrate and honor the work of the patriarch.

The “New” Mural

In retrospect, there was a sense that this would be the final monumental mural installation that would bear the recognizable Davidek sense of community and personal pride of familial accomplishment.

Note: Since the last mural installation, 2 early Davidek works were purchased from an auction in Lansing. They bear the name of “Stephen” Davidek, before he returned to the original spelling of his first name. In 2012, his family repaired the original frames and canvass. They now adorn the walls of the 5th floor courtroom, currently occupied by Judge Newblatt.

Davidek was very surprised to learn that the court had acquired the works. He was

a young man when they were done. His personal style was yet to be developed.

Davidek was influenced by the renowned murals of Diego Rivera, permanently installed at the Detroit Institute of Arts. He spoke about seeing them with his father and being awestruck by their content and magnitude. His style, in the early years, was reminiscent of Rivera.

Once again, we are reminded of a remarkable artist who brought murals to the Courthouse and the second remarkable artist who came 75 years later.



THE SYMBOLS OF THE MURAL

The muses There were 9 muses in Greek mythology, the daughters of Zeus and Mnemosyne, who were assigned particular domains and attributes.

In the mural in Judge Yuille's courtroom, there are perhaps 3 muses. With some artistic license to the muralist, one muse depicts law, one for justice and the third for natural law.

Fasces. In the same mural, there are bundles of wooden rods or sticks, sometimes with an axe included.

These are known as *fasces* and are a symbol of power and ju-

risdiction, passed down to Rome from the Etruscan civilization. The axe symbolizes the power to punish.

Occasionally a laurel wreath is associated with the bundle to symbolize victory. The official seal of the United States Senate includes a pair of crossed fasces.

Fasces also appear on and in other buildings in Washington, D.C., including the White House. Many other countries also incorporate the image in official seals and signs.

The Emperor Justinian. Roman Law developed many of

the ideas of justice that we still use as a basis for law. As early as 450 BC, there were 12 bronze plates that contained the Roman Law and are referred to as the "Twelve Tables." Much later the Emperor Justinian collected them into one work, the Justinian Code.

It allowed the citizenry to know in advance what was permitted and to expect punishment, should infractions take place.

Mosaic Law. The mural contains a depiction of Moses receiving divine writings on stone tablets, as contained in the Old Testament of The Bible.

The mural has not been without its controversy. The Flint Journal once wrote an article about the mural and included comments about whether religious depictions were impermissibly included in a courtroom mural.

In the final analysis, the conclusion seem to be that it was an artistic and historical rendering by an artist. –bam



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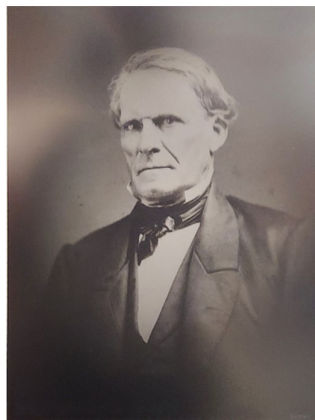
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**HISTORY OF THE PROBATE AND CIRCUIT COURTS IN GENESEE COUNTY
AND OTHER ELECTED OFFICES**



Judge Samuel Rice

The **Probate Court** was the first court organized in the county. It was a court of importance to early settlers since the succession of land and property ownership was of great concern. Settlement of the territory comprising Genesee County began around 1819.

The first Judge of Probate was Samuel Rice in 1836. The first will was admitted to probate on December 5, 1836, after an anticipated contested hearing whose witnesses did not appear. The one witness who did appear testified to the validity of the will and it was admitted.

The position of probate register has an interesting history that is too lengthy to completely share in this article. Michigan was part of the Northwest Territory. It was separated and became the Territory of Michigan in 1805. There was a provision in the territorial district

court which gave probate jurisdiction to the "clerk of the court" or any Judge in the Territory.

The problem was that there were no probate judges, as we know them, in each of the districts. Organizing the country and its judiciary must have been a daunting process, given to organizational modifications as it developed.

It was not until 1811 that a new probate law was established which provided for a register in each district. The register also had responsibility for recording land conveyances.

In July 1818, acts were adopted which form the basis of our current system. Probate Judges were appointed by the territorial governor and the probate judge appointed the probate register. The first laws of the Northwest territory were based on law of Pennsylvania which provided a probate court in each county.

The Circuit Court

By act of the territorial legislature, Genesee was established as a separate county on March 28, 1835. For judicial purposes, it remained attached to Oakland County.

On March 8, 1836, Genesee became organized as a county and the first officers were elected on August 22, 1836.

The first associate judges were Jeremiah R. Smith and Asa Bishop. The first term of court was held in February 1837, the Honorable George Morrell presiding. Morrell was the second Justice of the Michigan Supreme Court.

Interesting side note: Justice Morell was the 9th territorial justice appointed by President Andrew Jackson in 1832, serving in multiple counties north of Wayne County and then served the State of Michigan as a Justice of the Michigan Supreme Court from 1836-1843.

Morrell was said to have written out all his opinions by hand. There was no official reporter for many years. When one was appointed, it was determined that most opinions had been oral or notes lost.

A full series of the Morrell opinions were found. The reporter was reluctant to publish them all since others were not available.

The first Genesee County Circuit Court case was an appeal from the justice court over an award of \$5.63. The case was reversed and judgment entered for the Defendant in the amount of \$16.00.

April 2022 Edition (cont'd)

**HISTORY OF THE PROBATE AND CIRCUIT COURTS IN GENESEE COUNTY AND
OTHER ELECTED OFFICES (CONT'D)**

(Continued from page 1)

Why is the county clerk the custodian of court records for a circuit court?

The easy answer is that early judges rode the "circuit" which was a larger geographical area than just one territory or county. They rode on horseback.

The issue of where court files would be retained was critical and not amenable to the saddlebags of early jurists. The files stayed in the territory or county and judges came to the files.

The first county clerk took office in 1836. His name was Robert F. Stage. Stage was co-owner of the first general store in Flint. The first session of the circuit court was held in the upper story of the Stage & Wright general store.



Justice Charles D. Long
Photo Credit: Michigan Supreme Court Historical Reference Guide
The Michigan Supreme Court Historical Society, 1992



Located 2nd Floor Judicial Conference Room
Courthouse

The Prosecutor

The first county prosecutor was Joseph Bugg (1850-1852). One of the other early elected prosecutors was Charles Dean Long, elected in 1874.

He was the first president of the Detroit College of Law (1891) and an Associate Justice

of the Michigan Supreme Court (1888-1902).

Justice Long enlisted in the 8th Michigan infantry and fought in the Civil War, losing an arm, and carrying a bullet in his leg for the rest of his life.

Long was involved in various legal battles over his pension

rights as a Civil War veteran.

A restored oil painting of Justice Long hangs in the judicial conference room in the Genesee County Courthouse. It is the companion portrait to the official one which was commissioned by the Michigan Supreme Court.

The artist was Percy Ives, a very well-known portrait artist, who learned his craft from his father, William Ives. William Ives was one of the founders of the Detroit Institute of Arts.

Another side note: the official portrait of Charles Dean Long shows his bow tie askance. The portrait given to his home county has a perfect bow tie. We will never know if there was any significance to the selections. –bam

HEARSAY

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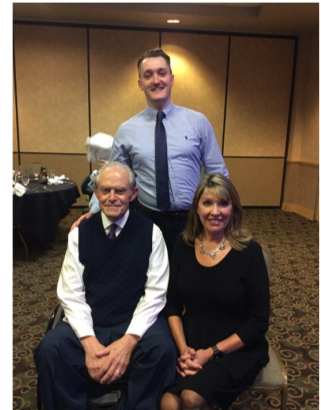
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GENESEE COUNTY BAR ASSOCIATION PRESENTS "A NIGHT OF HONOR"



Judge Nathaniel C. Perry III, pictured with son, Nate, daughter, Corey, and granddaughter, Chelsea



Judge Duncan M. Beagle, pictured with son, Devan and wife, Dana



Genesee County Bar Association
presents:
"A Night of Honor"

Celebrating:
GCBA's 125th Anniversary
&
Honoring:
Honorable Duncan M. Beagle
Honorable Nathaniel C. Perry III
and
Honorable Michael J. Theile

Saturday, November 12, 2022
Genesys Conference & Banquet Center
Program 5:00 p.m. - 8:00 p.m.



Judge Michael J. Theile





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David J. Newblatt



GENESEE COUNTY COURTS HOST MILESTONE EVENTS

The Court is the location for life changing events every day that a judge presides.

The judicial branch of government provides a neutral place, presided over by members of the judiciary to resolve legal disputes. Every case is a personal milestone for the litigants.

For the Court itself to host milestone events, that are not case specific, is rare.

On October 18, 2023, the Michigan Supreme Court was in session at Powers High School to hear oral argument on an actual case pending before the Court. The Genesee County Judges were invited to attend, process in their robes and take seats of honor.

Circuit and Probate Court Chief Judge David J. Newblatt deliv-

ered welcoming remarks to the Justices and assembled guests.

He was also proud to introduce Marcus Garvin, a Genesee County Veterans Court graduate and mentor. Mr. Garvin was allotted a few moments to share his personal journey with the many high school students who were invited to attend the event. He thanked the Justices

for the funding which permits the Veterans Court and other recovery courts to operate.

There was an educational component to the event, beyond the oral argument. The students were able to be mentored by attorneys who offered legal background on the case that was argued.

There will be follow-up with the students when the case is decided.

This event is part of the Michigan Supreme Court initiative to take the Court out to the community, primarily as an educational oppor-

tunity for students to understand how the judiciary functions.



Most of the Genesee County Judges were able to re-schedule their dockets to attend this momentous event.

The second event was a bill signing by Governor Gretchen Whitmer at the Genesee County Courthouse. The bill signing was held in the courtroom of Judge Khary L. Hanible.

Judge Hanible offered welcoming remarks to the Governor and was especially proud to do so since he was appointed by Governor Whitmer one year earlier.

(Continued on page 6)



GENESEE COUNTY COURTS HOST MILESTONE EVENTS (CONT'D)

(Continued from page 1)

SB410 repealed immunity from product liability for drug companies. The law in Michigan previously provided immunity if the FDA approved the drug and certain other factors were met.

A special note of pride for the Genesee County Circuit Court was that Governor Whitmer signed SB 410 on a table that was original to the 1926 Courthouse (see photo on right). It

was completely restored during the Courthouse Restoration Project.

The 1926 Genesee County Courthouse is on both state and federal registers of historic sites. — bam



Left to Right: Judge Khary L. Hanible, Governor Gretchen Whitmer, Judicial Law Clerk Alexander Zilinski, Judicial Secretary Karen Dearlove



Left: Michigan Attorney General Dana Nessel was present for the bill signing





GENESEE COUNTY CIRCUIT AND PROBATE COURTS E-NEWSLETTER a quarterly publication

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JULY 2024

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CHIEF JUDGE David J. Newblatt



A VISION, A MISSION, A REALITY

It's been nearly four years since Genesee County broke ground on a new facility and vision for its juvenile justice system. On Wednesday June 12, 2024, the County reached a milestone, the opening of the Genesee County Juvenile Justice Center. The new facility features a secure program, a residential program, and a day treatment program.

The secure detention program is a 40-bed program for youth who pose a risk to public safety and need short-term programming while their charges are resolved. Mt. Morris Schools provide educational services and



mental health support is provided by Genesee Health Systems. The staff are trained in Core Correctional Practices and CHOICES which are evidenced-based cognitive behavioral interventions



through the University of Cincinnati. The facility also offers

medical and nursing services. Additionally, Youth Arts Unlocked offers an art program for the youth.



The residential program is an 8-bed program for youth that need more intensive support. The residential program will provide a Specialized Trades Program that focuses on Construction Trades or Hospitality Arts. The staff are trained in cognitive behavioral interventions through the University of Cincinnati and Easterseals of Michigan will provide family functional therapy.

The Day Treatment Program is designed to provide a highly structured environment for up to 20 youth. Educational services will be provided by Mt. Morris Consolidated Schools and Peckham Inc. will provide specialized trades train-



ing as part of the educational curriculum.

COLESPEAKS will provide a parenting series which aims to reduce risk factors and strengthen protective factors of families. Rite Care will provide an Evening Learning Center that will operate from 3:30pm to 8:30pm Monday through Friday, with weekend hours available for high-risk youth that may need additional support in the community. The program will provide academic support, individualized clinical services, therapy groups utilizing the University of Cincinnati curriculum, a gun violence program, substance use support, community service opportunities, and transition planning to ensure success after program dismissal.



We have created a local juvenile justice system that attempts to understand the root causes of delinquency, such as

(Continued on page 10)

A VISION, A MISSION, A REALITY (CONT'D)

(Continued from page 1) poverty, lack of education, lack of positive peers and activities, family issues, and untreated mental health issues. By focusing on rehabilitation, investing in community-based programs, and building the Juvenile Justice Center we have created a system of care

that not only addresses the root causes of delinquency but also fosters hope and opportunity. -ri



ADMISSION CEREMONY FOR AN EXHIBIT

On September 14, 2017, the Genesee County Circuit Court hosted an admission ceremony for an exhibit, used in an argument before the United States Supreme Court 65 years ago.

The landmark case of *Morrisette v United States** arose out of a simple act of taking



Pictured: The Demonstrative Exhibit

what was thought to be abandoned scrap material, law enforcement thought otherwise and one attorney who demanded that justice prevail.

Richard B. Yuille, Chief Judge, Genesee County Courts, presided over the ceremony which was held in his courtroom.

Also participating in the ceremony was *Donald G. Rockwell*, President-Elect, State Bar of Michigan and a Genesee County Attorney, Attorneys *Peter Doerr*, *John Nickola* and *Patric Parker*, *Mark W. Latchana*, 67th District Court Judge and President of the Genesee County

Bar Association represented local attorneys and the organization of which Transue was president years earlier. Genesee County Sheriff, *Robert J. Pickell* attended and his staff presented the colors for the event.

The attorney who represented *Morrisette* was *Andrew Jackson Transue* (1903-1995). He attended the Detroit College of Law and after a brief law practice in Detroit, settled in Flint.

He was the Genesee County Prosecutor from 1933-1937, United States Congressman from 1937-1939, president of the Genesee County Bar Association from 1944-1945 and returned to private practice where he remained until his death in 1995.

The demonstrative exhibit from the *Morrisette* case was located in the office of Attorney

Peter Doerr, a former associate of *Transue*. *Doerr* received it from Attorney *Richard Figura*, who had a chance meeting with the son of the photographer. Knowing the legal significance of the photograph, it was offered to *Figura*.

The story takes another local turn. Attorney *John Nickola* was at *Doerr's* office on a separate matter. *Doerr* mentioned



Pictured: *Andrea Transue Haidle*

the "old photograph" in his closet and thought that *Nickola* would be interested in seeing it.

Interested he was and here is why. *Nickola* knew "Mr. *Transue*" since he was a child.

His parents were represented by him in various business transactions and *Morrisette* lived in a mobile home park owned by his family.

Morrisette was a Genesee County resident who went hunting in *Oscoda, Michigan* in 1948. While there he ran across a pile of spent bomb casings in the woods.



Pictured: *Tamara Transue Royle*

judge to argue that the government had to prove the intent to steal. The judge ruled that the taking of the property was sufficient and felonious intent

is presumed by the act.

The government had a practice bombing range where the Air Force dropped simulated bombs at ground targets. The spent casings were dumped in piles and left exposed to the elements.

Morrisette did not get a deer, but did come across the casings and salvaged 3 tons of them to help with the expenses of the trip.

After trucking the casings back to *Flint*, he realized \$84. Interestingly, the business who bought the scrap was owned by *Sanders Goodstein*, a Genesee County attorney and businessman.

Morrisette was a fruit stand operator in the summer and a scrap iron collector in the winter. He was an honorably discharged veteran of World War II, said to have enjoyed a good reputation in the community.

The Michigan State Police intercepted him on the way back to Genesee County. He fully cooperated with the authorities and said he was taking property that he thought was discarded by the government.

He was indicted and convicted in federal court, his counsel not being permitted by the trial

The Sixth Circuit Court of Appeals affirmed the conviction. The Supreme Court of the United States reversed the conviction, finding that the intent to steal is a question for the trier of fact and required to establish the elements of the offense charged.

The opinion for the Court written by Justice *Robert Jackson* begins in the following matter:

"This would have remained a profoundly insignificant case to all except its immediate parties had it not been so tried and submitted to the jury as to raise questions both fundamental and far-reaching in federal criminal law, for which reason we granted certiorari."

Few attorneys will ever find their efforts so recognized in an opinion by the Supreme Court of the United States. *Morrisette* remains the lead case on the issue of criminal intent. It is included in many law school textbooks.

From one Genesee County attorney, representing one Genesee County resident, legal history was made. —bam

*342 US 246 (1952)

January 2019 Edition

ADOPTION DAY



It's the only time of year the public is allowed to attend the hearings. Former adoptive parent, Regina Bush was the event speaker, as she shared her family's experience with adoption.

work tirelessly on behalf of children in foster care," explains Presiding Probate Court Judge, the Honorable Jennie E. Barkey.



Probate Court Judge Jennie E. Barkey and the adoptions staff celebrated Michigan Adoption Day on November 20, 2018 by confirming adoptions in public hearings for three families, which included a total of four children being adopted.



Judge F. Kay Behm attended the event and shared a warm moment with one of the participants.

There was a magician that entertained the crowd with a magic show. The staff, Darius Baylock, Mary Anne Falk, Debbie Gray, Sheonna Hill and Fredricka Savage should



She made national news 20 years ago for a landmark transracial adoption case.

Adoption Day 2018 was a joyous occasion for all of

After the hearings a reception was held in the jury quarters for all of the family members, court staff and agency workers who worked together to make this day such a success.



the families – and several local media outlets (ABC12, WNEM5, and MLive/Flint Journal) covered the event as well. "This day marks the beginning of an exciting journey for those deserving children and families.

This celebration offers us an opportunity to take a moment to acknowledge what is important.

It is also a reminder to us of the importance of those who

be commended for their hard work in highlighting both the need and the joy in adopting a child. –sh



COURTHOUSE SQUARE PROJECT (1998-2003)



Some of the readers will remember the *Courthouse Square Project* which added the Beach Street facing annex to the courthouse and restored the historical courthouse. Others, have no recollection due to age or circumstance.

It was an important time in the history of the court. The Probate Court Building (MacAvinchey Building), was torn down. The Genesee County Jail was imploded, having been closed by federal court order (US District Court Judge Stuart Newblatt) and replaced by the existing jail.

Because of the materials involved in the construction of a jail, demolition by implosion or otherwise is a major undertaking. The fact that it was also close to the courthouse presented additional safety and security issues.

A few of the photos follow.

I cannot relate these events without adding a personal vignette. Judge Jennie Barkey's son, Joe (Joey) was young when the implosion was to take place. Big trucks and other equipment were a daily event. It was all a young man's dream.

Joe really wanted to see the implosion, but his family was going to be out of town on the day of the event. Jennie brought him to my office and said "Ok, ask her." Joe asked if we could do the implosion on another day because he would not be able to see it. His moth-

er and I handled the matter quite seriously and I said that we would record it somehow for him, but delay was not possible. This conversation has been recounted many times over the years.


Photo #1 depicts the connecting walkway between the courthouse and the jail. It was a security enhancement from the former practice of walking inmates over to the court. Some will remember that it took on the name of "Freeman's chute." Judge Donald Freeman was known for the frequency with which he sentenced defendants to lengthy prison sentences.

The remaining photos show the jail and probate court building at various stages of demolition and the actual implosion. There was a demolition watch staging area on the top of the former McCree Parking Ramp. It was quite an event that went off without a hitch.

As the annex began to take shape, photo #2, the insulating panels were yellow. I took a call from an individual who said that he liked the color that we had chosen for the new courthouse! As I recall, he referenced being a University of Michigan fan and thought we were assuming the maize and blue color scheme.



You are cordially invited to attend the private viewing for the implosion of the Former Genesee County Jail
by: Gerald A. Fodale, President



A continental breakfast will be served

November 14, 1998
Doors open at 7:00 a.m.
Implosion at 9:00 a.m.
610 Beach Street
Flint, Michigan

Directions from Detroit: I-75 North to I-475 North. Exit at Court Street and follow to Stevens St. North, To Third Street West. Follow Third Street to the parking structure at the corner of Third and Beach.



LEGAL MILESTONE

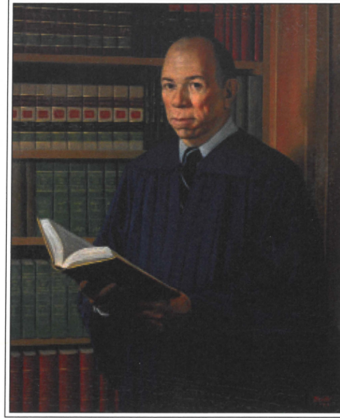
Otis Milton Smith

(February 20, 1922 - June 29, 1994)

*As published in the 2015 Edition of the *Michigan Supreme Court Historical Reference Guide*

Otis M. Smith, the first African American justice on the Michigan Supreme Court, was born in Memphis, Tennessee, on February 20, 1922. He attended Fisk University and Syracuse University. In 1950, Smith graduated from Catholic University Law School in Washington, D.C. In January of 1951 he was admitted to the bar and immediately began to practice law in Flint, Michigan. In addition to his practice of law, Smith took part in many civic organizations and functions. His community service brought him recognition from the Junior Chamber of Commerce in the city

of Flint as the Outstanding Young Man in Flint in the year 1956. In 1954, the prosecuting attorney of Genesee County, a Republican, appointed Smith as assistant prosecuting attorney, recognizing his skills. He was a man who considered public office to be a trust of the highest magnitude, second only to serving God. He was an honest man, a man of intellect, solid values, and character. Five Michigan governors thought so too and appointed him to prominent positions in state government where he broke many barriers as the first black to hold such posts. In 1956, Governor G. Mennen Williams appointed him chairman of the Public Service Commission of the state of Michigan and, in October 1959, auditor general of the state of Michigan. In October 1961, Governor John Swainson appointed Smith to the Michigan Supreme Court to replace Jus-



talbot Smith who had left for a seat on the U.S. District Court in Detroit. Otis Smith won the vacancy election in November 1962 for the remainder of Talbot Smith's term, but he lost the election in November 1966 for a full eight-year term. Otis Smith's civility and courtesy in all of his personal relationships, even in the presence of abusive provocative conduct, were particularly important to the court during the very stressful

years of his service. After leaving the supreme court, Smith hoped to be appointed to the U.S. Court of Appeals for the Sixth Circuit, but he was not. He later acknowledged that this disappointment was a blessing in disguise as he joined the legal staff of General Motors where he served for thirteen years, advancing to vice president and general counsel. 1

More Resources Online!

Website Biography - [https://www.micourthistory.org/justices/otis-smith/Presentation of Portrait](https://www.micourthistory.org/justices/otis-smith/Presentation%20of%20Portrait) - [https://www.micourthistory.org/special-sessions/presentation-of-the-portrait-of-the-honorab le-otis-m-smith/Oral History](https://www.micourthistory.org/special-sessions/presentation-of-the-portrait-of-the-honorab-le-otis-m-smith/Oral%20History) - <https://d.lib.msu.edu/mscj/38>
Memoir-
Looking Beyond Race: The Life of Otis Milton Smith by Otis Milton Smith and Mary M. Stolberg (Detroit: Wayne State University Press, 2000)

SENTENCING 18-YEAR-OLDS CONVICTED OF MURDER AS IF THEY WERE JUVENILES AND MORE



67th District Court Judge Mark C. McCabe writes "Ask the Judge" for the *Tri-County Times*.

Sentencing 18-year-olds convicted of murder as if they were juveniles and more appeared in the August 9th, 2022 edition.

In 2012, the United States Supreme Court rendered its decision in *Miller v Alabama* holding that a mandatory life without parole sentence for juvenile offenders constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution due to the offenders' immaturity, impetuosity, and failure to appreciate risks and consequences.

This decision was held to be retroactive in 2016 in *Montgomery v Louisiana*.

Since then, using what are called the "Miller Factors," a judge must consider the following in imposing a sentence on a juvenile defendant when deciding if life without parole or something less is warranted: (1) their age and maturity; (2) the family and home environment; (3) the circumstances of the homicide offense; (4) whether they could have been charged with and convicted of a lesser offense but for their own immaturity in dealing with the police or helping their attorney; (5) the possibility of rehabilitation.

In Michigan, mandatory life without parole sentences for juveniles were eliminated by statute in 2014 unless the prosecutor files a motion requesting such a sentence and a hearing is held.

Otherwise, the sentence is to be a 25 - to 40-year minimum up to a 60-year maximum.

On July 28, the Michigan Supreme Court issued four opinions expanding the Miller holding.

The case, which has received the most publicity is *People v Parks* which held that the use of the Miller Factors will now be required in sentencing 18-year-old defendants who have been convicted of first-degree murder.

Parks further held that Michigan's Constitution provides greater rights for these defendants than the Eighth Amendment of the United States Constitution.

A summary of the holdings in the other cases is as follows:

- Life without parole is presumptively disproportionate for defendants 18 years old and younger;

- Life with parole for defendants in this age category, who have been convicted of second degree murder, is unconstitutional under Michigan's Constitution;

Courts must always consider youth as a mitigating factor even when the youthful defendant is sentenced to a term of years rather than life without parole.

This area of the law continues to evolve. Importantly what can never be forgotten is that victims also have rights and, when it comes to sentencing, everyone's rights must be considered.



MOTT COMMUNITY COLLEGE TURNS 100

MCC turned 100 years old on September 23, 2023.

As the automobile industry grew post WWI, so did its birthplace. Flint had a population of 38,000 in 1910. By 1920, the population was up to 91,000 and by 1930 it was 156,000. Education and training became big issues for the community.



Distinguished Alumni Judge Robert M. Ransom (retired) and Judge Elizabeth A. Kelly

direction of the Superintendent of Flint Schools and would remain so until 1969.

Things began to change in the 1950's and 1960's, after General Motors celebrated its 50th Anniversary and civic pride led to establishing the College and

Cultural Center.

The new campus of Flint Junior College was to follow. The Oak Grove Campus, plus 32 acres of land donated by C.S. Mott for the purpose of building an athletic field house and eventually a new campus was the beginning of what we know today as its current presentation. William Ballenger, Sr. died in 1951 and left a substantial trust to establish chairs of learning and for the construction of an athletic field house. The Ballenger Field House was completed in 1954. Other buildings were to follow, including the Charles Stewart Mott Library built in 1960, from a grant from C.S. Mott.

The first new high school was built in 1923 and initially called Oak Grove High School. The name was changed to Central High School in 1927. Also in 1923, the Teachers Committee of the Flint Board of Education recommended that a junior college be started.

The recommendation was accepted and the first class of Flint Junior College included 114 students. Most of the students were Central High School graduates. The junior college was located in the south wing of the new Central High School and shared some facility resources. The new junior college was under the

Also, in the 1960's protests on college campuses was prevalent. The issues were primarily the Vietnam War and civil rights. MCC was no exception. The faculty also became unionized in 1969 and the first contract was completed in 1970. The college also pursued independence from the Flint Board of Education and that was completed in 1969, followed by the voters approving a countywide community college district, a millage and election of a seven-member Board of Trustees.

The institution became Genesee Community College on July 5, 1970. C.S. Mott died in 1973, during the 50th Anniversary of the college. It was renamed after him. The 1970's also was a time of financial turmoil for the college, faculty received pink slips and the Board ultimately ended the reign of the then president of MCC.

The continuing years of operation saw many changes, including branch centers, partnerships with the University of Michigan, creation of Mott Middle College, Job Corps training and the Regional Technology Center (RTC). The RTC was the largest ad-

dition to the campus in decades. The \$35M, 190,000 square foot facility is located on the site of the former St. Joseph Hospital.

The above is a peak into the history of Mott Community College and what can be found in a book, *A Clearer Image*, written by MCC Political Science Professor Emeritus Paul Rozycki and a current Genesee County Jury Board Commissioner.

Courthouse MCC Attendees

- Melissa S. Bishop
- Jessica Clemens
- David Combs
- Catrina Crane
- Heather Davis
- Barbara Hardaker
- Holly Haynes
- Sheonna M. Hill
- Sharee Hubbard
- Alyssa Hunt
- Kati Hutchinson
- LaTivia Johnson
- Judge Elizabeth A. Kelly
- Lisa Lanxton
- Ashley Lovett
- Michelle Orvis
- Samantha Rivera
- Julie M. Schriner (Leineke)
- Andrea Seiter
- Jennifer Strauel
- Tim Sweeney
- Patricia Umphrey
- Kristany Wilmoth
- Scarlett Younglove-Tagge

MCC'S FAVORITE SON

In November 2016, The Foundation for Mott Community College held a tribute for retired Judge Thomas E. Yeotis. Having been a Flint Central football, basketball and baseball star (Tim Bograkov was later a triple threat at Flint Central), he had been honored many times. His charity work and commitment to MCC was the spotlight for the event.

Yeotis has served as a trustee for the Foundation for MCC,

president of the Mott Alumni Association and on the Bruin Club board for many years. He was named a Distinguished Alumni, along with other credits for his support for charitable and athletic endeavors.

He started at the former Flint Junior College in 1947 and joined the basketball team. He later attended Michigan State University and earned a degree in business. A business law class piqued his interest and the rest is history.



Yeotis was admitted to the bar in 1956 and began his judicial career in 1967. He served as a municipal court

judge, probate judge and circuit court judge. In 1967, he co-founded the Bruin Club.

In 1980, Yeotis and Bruin Club members founded the Greater Flint Sports Hall of Fame, with Yeotis serving as its first president. -bam

REMEMBER “DURHAM POOL” ON THE CAMPUS OF MCC?

It was named after Cady B. Durham, re-tired vice-president of General Motors. It was properly referred to as Durham Natatorium. The pool is gone and a fitness center took its place. For the scores of youth who learned to swim, became life-guards and attended competitive swimming events, it will always be referred to as Durham pool.



It was built in 1957 but closed in 2012 because the upkeep was too expensive. In 2014, MCC announced that the facility would be reinvented to become a fitness center, with classrooms for fitness instruc-



The 16,500square foot space remains an important part of the campus.

Michelle Orvis, judicial secretary to Judge Brian S. Pickell, related that she taught swimming at Durham

Pool. “Swim meets” was the phrase that was mentioned by others, local “swim teams” competitively swimming against other schools. –bam
tion, an open gym and a broad range of uses. *Durham Wellness and Physical Education Center* is the current name of the facility.



Photo credit: Michelle Orvis

CLARENCE LEONARD “KELLY” JOHNSON (1910-1980)

AERONAUTICAL ENGINEER

FLINT JUNIOR COLLEGE (FLINT JC) ALUM

“Kelly” Johnson was a young man from Ishpeming in the upper peninsula of Michigan who came to Flint in the summers to work in the factory at the Buick Motor Division of General Motors. He stayed to attend Flint Central where he graduated in 1928, went on to attend Flint Junior College and then the University of Michigan, Ann Arbor, for his bachelor’s and master’s degree in aeronautical engineering.

He was hired by Lockheed as the chief research engineer in 1938. In 1952, he was appointed chief engineer of Lockheed’s Burbank, California plant and in 1956 became vice president of research and development.



In 1958 he became vice-president of the Advanced Development Project (ADP), where his secretive team built the first *P-38 Lightning* prototype. The first offices were in a former bourbon distillery and had an unappealing stench, it became known as “*Skunk Works*.”

Johnson was instrumental in the development of aircraft too numerous to mention here. He led the development of the *SR-71 Blackbird* family of aircraft that flew so high they could neither be intercepted nor shot down. No other airplane has matched *Blackbird’s* performance.

His awards and recognition are 4 pages long, single spacing.

His management rules were, “Be quick, be quite and be on time.”

His life and accomplishments are staggering, even without the local connection to Flint

Central and MCC. With those connections, take pride in a Michigander that made a difference. Look him up and take the time to read about what he accomplished beyond this brief summary.

To read additional information on Clarence Leonard “Kelly” Johnson, [CLICK HERE](#).

COURTHOUSE TOUR

7th Circuit Court



As part of the Judicial Outreach encouraged by the Michigan Supreme Court, the 7th Circuit Court has invited seniors from the Flint Southwestern Classical Academy to a tour of the Courthouse on March 5, 2024 where the program will include the introduction of the various careers that are essential to the successful daily operation of the Courthouse. Presentations will be from the Court, Judicial Staff, the Prosecutor's Office, the Public Defender's Office, Building and Grounds, Administration, IT Department, Public Safety, Library/Resource Paralegal, and the Jury Board. In utilizing this opportunity, it is our hope that the students will be able to explore not only the wide array of positions that are necessary for a court to operate, but to also provide the students with a hands-on demonstration of the many future career opportunities they are presented with. In doing so, the students will receive real-life examples of how the variety of skills and specializations at all different levels come together to form a functioning courthouse.

We have arranged to hand out copies of both the Michigan and United States Constitutions. This will provide another level of immersion, demonstrating how court functions couple with governmental functions, and will provide a big-picture overview of the career field in its entirety. The students will also sit through an actual jury orientation before enjoying lunch on-site. During the jury orientation, we will work to impress upon these students how critical participation as a juror is to the fair functionality of our legal system. Our hope is to not only introduce the students to the Courthouse with a positive comprehensive overview, but also to highlight the many career opportunities that exist for graduating



students to consider and gain respect for. The mechanics of a courthouse require countless skill-sets and job positions, and it is our hope to demonstrate to the students, in a cohesive manner, that each and every position is essential in order for the day-to-day operations to run as smoothly as they do. Each department will describe what their role is on a daily basis, explain the educational background required for their field, and highlight some of the things that make their job satisfying.

Additionally, the Genesee County Bar Foundation has generously provided a grant to cover expenses for transportation and lunch. With so many different groups supporting this event, it is a fantastic way to provide positive support and learning opportunities to students in our community. Our goal is to have the students leave the Courthouse with a better understanding of how the Court functions, how all the pieces of the puzzle fit together, and the inspiration that roles they may have never considered exist for them and their future.



HON. CHRIS CHRISTENSON

Circuit Court Judge

GENESEE YOUTH COMMISSION ATTENDS COURT

The Genesee County Youth Commission is a partnership between the Genesee County Board of County Commissioners and Michigan State University – Extension Office.

The program is meant to foster a deeper understanding of the role of local government and the direct impact that our work has for the residents we serve.

Each fall, students from school districts across the county, who may be interested in government or public

policy, are able to apply for nine seats on the Youth Commission. One student from each county commission district is chosen to serve.

The Youth Commission meets twice a month to discuss topics of interest to youth in Genesee County. The Commission settles on one topic to take a deeper dive that culminates in a presentation to the Board of County Commissioners.

In addition to their regular meetings, the Youth Com-

mission participates in a County Government Day. The students spend the day at the county learning from department leaders. One of the highlights of the day is the opportunity to meet with our Circuit Court judges to better understand the different functions of each court.

Our thanks to Judge Heath and Judge Latchana for their contribution to this year's County Government Day with the Genesee County Youth Commission. -jmf

*Pictured below are Judge Ariana Heath and Judge Mark Latchana with participating students.



Judge Ariana E. Heath



Judge Mark W. Latchana



GCBA Mock Trial Competitions
Judge B. Chris Christenson and Judge Elizabeth A.
Kelly (below) presiding.

Judge Christenson also participated in the
Genesee County Bring Your Child to Work Day
2024.



Judge B. Chris Christenson



Judge Elizabeth A. Kelly with student participants

★ *Read All About It* ★

Hearsay is now available on the Circuit Court website www.7thCircuitCourt.com/hearsay-newsletter

We want to hear from you! Send us an email letting us know what you would like to see in the newsletter and feedback on the current edition. You can also submit ideas and information about activity in your department. hearsay@7thcircuitcourt.com