



OBITER DICTUM



NOTICE: It is illegal, immoral, and fattening NOT to share your office news with The Obiter
Fax: 231-726-1408; mgwalsh@yahoo.com

Volume 2, Issue 3: THREE PAGES

March 2008

Leapin' Litigators : It's Brad

By day, he's a mild-mannered litigator for Muskegon's Parmenter O'Toole law firm. By night, William "Brad" Groom is the Bruce Lee of West Michigan.



Mr. Groom

Civil courtroom combat may fill Mr. Groom's daily professional life, but his avocation rules each Tuesday and Thursday night at the Muskegon YFCA. There, as he has for about 10 years, he teaches Wing Chun, a form of Kung Fu developed in southern China in the late 1700s.

"It's a very streamlined, efficient fighting system," said Mr. Groom, 53. "It's designed to take no more than one year to learn. It's a

very practical system." Bruce Lee is the most popular proponent of this martial art.

Mr. Groom began his fascination with martial arts at age 5. He began taking judo lessons at the downtown Grand Rapids "Y." He went on to the boxing team at the University of Michigan. Today, he practices Wing Chun at the master-instructor level.

He trained in the sport in

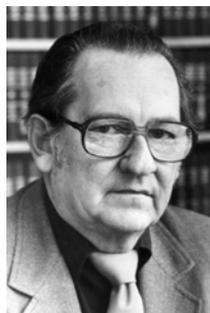
China and Hong Kong in 1997 with Yip Ching and Yip Chun, two sons of Yip Man, who taught Bruce Lee and other stars.

"I've been interested in martial arts my whole life," he said. It's kind of a way of expressing myself." But it's a solo venture. Neither wife Laura nor children Amanda and Travis share the passion, he said.

Today, the sport is more a life discipline than active athletic training for him, Mr. Groom said. "Now, it's more a mental exercise than physical. It balances the body, like becoming ambidextrous. You can respond with both hands."

Longtime probate judge is dead

Known as the "Gypsy judge" because he traveled from courtroom to courtroom during renovations, the Hon. John Joseph Namenye has died. The retired probate judge died 28 February. He was 81 and a WWII Army veteran.



Judge Namenye

Judge Namenye served on the Muskegon Probate bench from 1965 through 1986. He was succeeded by Neil G. Mullally, now chief judge on that court. "He was a brilliant man,

Judge Mullally said. "He knew the fine points of probate law and wrote very scholarly opinions that I occasionally consult today."

Hon. Tom Linck, who served on the court with Judge Namenye, remembered him a friendly and approachable. "He loved the University of Michigan and his family," Judge Linck said. "He was a good person to work with. I found him to be helpful and pleasant and I enjoyed his company."

Friends, family, and bar association members paid tribute to him at a memorial service Saturday 15 March at Docker's Restaurant, Muskegon. In keeping with the family's request, the MCBA donated \$300 as a memorial to Harbor Hospice in lieu of flowers.

Legal ethics maven keeping us out of trouble

Some solicitation is OK, direct solicitation isn't. And a "nonrefundable retainer" is a violation of professional conduct rules.

Victoria Kremsky, ethics maven for the State Bar of Michigan, discussed a number of crevices awaiting the unwary practitioner



Ms. Kremsky

at the MCBA's March meeting. Here's a quick sampler of the issues reviewed:

Solicitation: Direct mail is OK, but in-person contact or follow-up phone calls are not. Use of public records, i.e. divorce filings, are acceptable sources for potential client-trolling.

Advertising: Be careful what you advertise for. While it's not *per se* unethical in Michigan to advertise yourself as a "pit bull" (as it is in New York and Florida), the clients you obtain may become your biggest headache. "It's a quality of life issue," Ms. Kremsky said. "What kind of clients will you attract – clients who want to attack the other side – and that does not make

Con't Page 2

Ethics maven sets out professional conduct rules

a good quality of life for you.”

Communication with client: Don’t mislead or imply you have multiple offices, associates, or partners if you don’t. “If a client discovers you don’t have multiple offices or associates, how much faith will they have in you?”

- **Attorney misconduct:** There is a duty to report misconduct but “there is a very high standard,” Ms. Kremsky said. “It’s very rarely triggered. See MRPC 8.3.
- **Grievance Commission:** It’s a violation to ask a party to waive his or her right to file a request for an investigation with the Grievance Commission.
- **Conflicts of interest:** The issue is always fact-driven. “If you’re conflicted out, so are your partners,” she said. One attorney’s conflict is imputed to the entire firm.
- **Internet etiquette:** Blogs, chatrooms, listservs – while each has changed the way we practice law, all present ethical risks, Ms. Kremsky said. Missing a court email due to a

spam filter problem might result in sanctions. Complaining about a judge’s intelligence on a listserv might be embarrassing — or more — if the judge is a member of that listserv.

Nonrefundable retainers: “Every single fee...must be reasonable,” Ms. Kremsky said. Thus, if a nonrefundable retainer is taken but the work for whatever reason not done, the attorney is afoul of the rules and could be disciplined.

- **Record retention:** The rule says you must retain a client’s records for a “reasonable amount of time.” Reasonable is not further defined. Ms. Kremsky recommends language in every retainer agreement that gives the client six weeks to retrieve the file after the case is closed. She also recommends scanning each document and maintaining a paperless file. For all those boxes in storage, you must attempt to contact each client before disposing of them. “Putting it in your retainer agreement makes it *way* easier,” she said.

MCBA readies annual May gala

The MCBA’s Law Day Committee is finalizing plans for this year’s annual celebration of Law Day. **Your** help is needed.

The annual celebration will be held at **noon Friday 2 May at the Muskegon Harbor Holiday Inn**. This year’s theme is “The Rule of Law: Foundation for Communities of Opportunity and Equity.”

MCBA uses Law Day to honor one educator and another individual who have improved our community through their service.

Nominations for the Golden Apple and Liberty Bell Award are requested. They must be received no later than Friday 4 April. See recent Paperworx emails for further details.

Family Law Section Update

MCBA’s FAMILY LAW SECTION will host psychologist Dr. Missy Nadeau at its Wednesday 19 March meeting. Her topic is “Consumer’s Guide to Psychological Evaluations.” Jeffrey Vanderstelt will provide lunch. Please RSVP to Carolyn Marcus at 231-727-6001 x102 or attymarcus@cs.com.

2008 Meeting Dates

The Family Law Section meeting at noon on the third Wednesday of each month. For additional information or to have an item placed on the agenda please contact Carolyn. “Always looking for fresh topics and providers of lunch; we appreciate your support!”

OBITER NEWS
Fax: 231-726-1408

Administration studies court security, admission inspections while bar questions docket delay

Security concerns are fueling stricter entry-inspection policies at the Kobza Hall of Justice – policies that may delay attorneys and their clients and set back court dockets.

Paul Ladas at the MCBA’s monthly meeting on 12 March said members of the County Board of Commissioners would begin reviewing the issue.

“They’re looking for a debacle,” Mr. Ladas said. “(Administrators) don’t know the process of preparing for court.” Mr. Ladas and others believe the delays will hold up admission to the Hall of Justice and delay court business.

Some counties have special check-in lines for attorneys. Others allow entry without inspection upon presentation of the Bar Card.

Brian Lang, MCBA president, informed County Administrator Jack Niemiec that undue delays for court staff and bar members would be a mistake.

“While our Association and members are sensi-

tive to the need for security at the courthouse, there is a widespread and firmly held belief that the proposed change to the policy will not improve security, that current precautions are sufficient and that the proposed change will result in inconvenience and difficulties with our attorneys getting to court in a timely manner,” Mr. Lang said.

Mr. Niemiec declined bar participation in the discussion.

“I am not interested in having a Review Committee of 500 individuals; nothing will get accomplished,” Mr. Niemiec said. “The more exceptions that I have to a policy the harder it will be to provide ‘true’ security to all,” He did agree to pass along to his committee the bar associations’ concerns.

Chronicle moving into electronic era



The Muskegon Chronicle is moving into the electronic era with web-based reporting and digital video, Editor-Publisher Paul Keep said at MCBA’s January meeting.

Paul Keep

Dave Kortering heads golf committee

Dave is heading up this year’s golf committee and could use your help. Please contact him to volunteer. This year’s golf outing will be 5 June at Stonegate.



D.Kortering

MARK YOUR CALENDAR
Noon Wednesday 9 April, Harbor Holiday Inn: JoAnn Hathaway from the State Bar of Michigan’s Practice Management Resource Center, will speak on “60 Firm and Practice Management Tips in 60 Minutes.” RSVP Sally @ williamssal@comcast.net.

Contact your Muskegon County Bar Association

MCBA
PO Box 88
Muskegon, MI 49443-0088
Brian T. Lang, President..231-727-2612
blang@wnj.com
Jenny L. McNeill, VP 231-744-6218
jennymcneill@comcast.net
David L. Bossenbroek, Treasurer..231-726-6603
britboslaw@aol.com
Joseph Bader,
Secretary.....baderjo@co.muskegon.mi.us

LEGAL NOTICE
It is illegal, immoral, and fattening NOT to share your office news with The Obiter, Fax: 231-726-1408; mgwalsh@yahoo.com

COURTHOUSE- CONVENIENT OFFICE SPACE AVAILABLE
Second-floor office space ideal for attorneys—in a building occupied by lawyers and across from the Kobza Hall of Justice—is available for lease.
Single offices or the entire suite of 1,600 square feet. All services. Call Rick Tolle at 231-726-1400.