

Fifteen Who Stepped Up



Ronald D. Keefe

For the lawyers of Genesee County, the story of Flint attorney Shannon Pitcher has been an 18-month-long dark shadow over their profession. The year before Shannon Pitcher was arrested in December 2006, she had as many as 200 active probate cases in which she served as attorney for fiduciaries of estates, legally incapacitated adults, or minors, or was herself a guardian, conservator, or personal representative. Then allegations surfaced that she took nearly \$500,000 in client assets, even burying money in backyards.

The local press spared no detail through Pitcher's arrest and sentencing, as she pleaded guilty in November 2007 to four counts of embezzlement, lost her law license, and went to prison. But the story nobody told was of the 15 people—14 of them lawyers—who stepped up to make things right, even when it became clear they would work for little or no pay, and in some cases pay costs from their own pockets.

I was honored to join the Centennial American Inn of Court in Genesee County to recognize these outstanding professionals. In October 2006, Probate Court Judge Jennie Barkey removed Pitcher from all of her appointed cases on suspicion of wrongdoing. The same month, 14 attorneys answered the call of the court to serve as special fiduciaries in Pitcher's cases: Gwyn Abbott, Thomas Purcell, Stanette Amy, George Rizik, Margaret Brandenburg, Kathleen Swart, Martin

Tyckoski, Paul Farrehi, Milea Vislosky, Denise Ketchmark, Major White, Amy Kline, Craig Wright, and Sharon Miner, together with Diane Brown of the Genesee County Family Service Agency. At a mass hearing for their appointments, each person picked up armloads of files. Then they went back to their offices and got to work.

Over the next year, these special fiduciaries investigated and cleaned up the messes in the files. Some of them found significant wrongdoing and stolen funds, some of which were recovered. In one case, an attorney dropped everything to bring herself up to speed to give informed consent to her ward's surgery two days after her appointment. Without the dedication of these professionals, it would have been very difficult for the Probate Court to assess and correct the damage Pitcher left behind. In the words of the executive director of the Centennial American Inn of Court, attorney Linda A. Pohly: "These lawyers would have been better off not to show up for that hearing at all—anyone could have seen that at the time. They knew things were bad, and were going to get worse, and they stepped up anyway."

The program to honor these professionals ended with a recitation of the Lawyer's Oath. This touched me deeply. It was a poignant reminder not to lose sight of the "good" amid all the "bad" that can hound our profession, from hostile press coverage to lawyer jokes.

Do you remember the Lawyer's Oath you took at your swearing-in? Take a moment to re-read it now:

I do solemnly swear (or affirm):

I will support the Constitution of the United States and the Constitution of the State of Michigan;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with my client's business except with my client's knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any cause for lucre or malice;

I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed upon members of the bar as conditions for the privilege to practice law in this State.

We as attorneys must strive to live the oath every day. As proven by those outstanding Genesee County probate attorneys, some of us are better at it than others. ■

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