

Brian Barkey

Ho, ho, ho! Readers will hear the familiar sound often this month and perhaps ignore it. After all, how many *Michigan Bar Journal* readers believe in Santa Claus, in spite of what Francis P. Church of *The New York Sun* editorialized to eight-year-old Virginia O'Hanlon in 1897?

"Santa Claus... exists as certainly as love and generosity and devotion exist, and you know that they abound and give to your life its highest beauty and joy. Alas! how dreary would be the world if there were no Santa Claus!... No Santa Claus! Thank God he lives and lives forever. A thousand years from now, Virginia, nay 10 times 10,000 years from now, he will continue to make glad the heart of childhood."

The answer is that at least 650 readers and over 1,000 residents of Genesee County do believe in Santa Claus. They believe because they *see* him at work *physically* performing Santa tasks. From September until mid-December each year, he directs his "elves" to purchase gifts for adults and children; recruits an attorney to portray Santa; solicits thousands of dollars in donations; and gathers attorney and judge elves to be decorators and servers, drivers and greeters, cleaners and entertainers.

In other words, he organizes the Genesee County Bar Association (GCBA) Annual Holiday Dinner for the less fortunate, now in its 14th year. The dinner has grown from serving 400 adults and children to 900. The event has entertainment, excellent food provided by the Battiste family at the Masonic Temple in Flint, and gifts given to children by a substitute Santa. Children receive anything from sports equipment to dolls to bicycles.

The real GCBA Santa operates incognito all year, under the attorney name of Brian M. Barkey. But rest assured, every lawyer, judge, and attendee in town knows it is only his in-



Santa, aka Brian Barkey

credible humility that prevents him from using his genuine birth name—Santa.

Ramona Sain, executive director of the Genesee County Bar Association, finds that "Brian" is the prime motivator behind the holiday dinner. He tracks every activity, conducts regular meetings of the volunteer committee, and personally solicits donations and volunteers. He is the backbone of the effort, bar none."

Perhaps "Brian" did not think being Santa was enough, coming from a family with an attorney father. In a family where all the children have post-graduate degrees and one sister is an attorney, perhaps even Santa felt some pressure to excel in a professional field. With a bachelor's from Western University,

he attended Wayne State University Law School, graduating cum laude. At Wayne, he was a member of the Law Review and Law Review Board.

In his attorney *persona*, locals watch him acting Santa-like as well. He practices just as Santa would, primarily handling Social Security disability cases. His eyes twinkle when a client who has been denied benefits, has had a disability ignored by the system, and has had financial hardship, prevails at a Social Security hearing. No doubt his clients believe he is Santa, and they refer many others to "Brian."

Part of Santa's disguise as an attorney is his lack of the jolly waistline. He is an avid jogger with nary an ounce of extra poundage. But, of course, we know the magic of Santa, and he can shrink that girth at will. One reason "Brian" adopts a trim appearance is that he has been the training coordinator since 1999 for the annual Crim Festival of Races in Flint, which serves as a vehicle of support for Special Olympics. The training program started with a little over 100 people and currently has over 950 trainees, thanks to "Brian." He has changed people's lives with the program. He was a member of the Crim Board of Directors from 1989 until 2004 and held the presidency from 1994 to 1999. His love of running prompted his article, "The Myth of Runner's High" in *Michigan Runner* (March/April 1990).

In addition to the poor and the disabled, "Brian" helps the sick. He served as a member of the Genesee Memorial Hospital Board

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Santa (third from right) and his helpers

of Trustees for 13 years and as its chairperson from 1988 to 1991. "Brian" has also served the public-at-large in several ways. He chaired the Flushing Township Zoning Board of Appeals for five years, acted as a Flushing Township planning commissioner for seven years, counseled the Flint City Attorney's Office, represented the Genesee County Parks Commission from 1994–2001, and has been its general counsel since 2001. The City of Flushing contracted with him as its attorney for five years, and Thetford Township similarly since 2003.

As an attorney, "Brian" certainly has the respect of his colleagues and judges, but it is his labors for the poor and the disabled that garner admiration. The Genesee County Bar Association regards him as the "Chairman for Life" of the Annual Holiday Dinner Committee. The members elected him GCBA vice-president in 1992 and president in 1993, and honored him with the Distinguished Mediator Award in 2002.

Believers think Santa monitors who is naughty or nice, but he does more than that. He encourages folks to be nice by mediating and arbitrating disputes. "Brian" has mediated for the Genesee County Circuit Court on its general civil and defense panels, the District Court panel, and the Federal District Court panel from 1988 until present.

He has been an arbitrator for the American Arbitration Association for 20 years.

"Brian" carries a list of his favorite quotes in his planner. One of them, from Benjamin Franklin, states:

"He had some reason for loving to dispute, being eloquent . . . and, therefore, generally successful in argumentative conversation . . . But I think the practice was not wise, for in the course of my observation, these disputing, contradicting and conflicting people are generally unfortunate in their affairs. They get victory sometimes, but they never get goodwill, which would be of more use to them."

Santa extends his largesse to other attorneys in several ways. He is the secretary/treasurer of the American Inns of Court in Genesee County, which he joined in 1998. The Inns are mentoring vehicles for young lawyers, particularly in ethics and professionalism.

When an attorney in his office passed away a few years ago, "Brian" started the receivership of the attorney's practice and facilitated wrapping up the practice for the attorney's family. Since then, unfortunately, he has performed the service for the families and clients of four other attorneys.

"Brian" is called upon many times by other lawyers when they have an ethics question or problems arise in their practice. On many occasions, he has cancelled all appoint-

ments to immediately console the attorney and walk him or her through the problem. He helps all attorneys—especially new attorneys—in their practices. Several times, he has provided the forms and the information to handle Social Security cases, even though they are the primary source of his livelihood (that and the treats from his elves).

He shares his knowledge by writing articles for colleagues, and edited the local *Bar Beat* magazine for a few years. His topics cover a wide range, including real property law, the Federal Rules of Evidence, joint and mutual wills, arbitration, constructive failure, attorney fees, and other topics. He writes to promote goodwill with such articles as "Being Good to Yourself First," *Bar Beat* (March 1990); "In Search of a Kinder, Gentler Lawsuit," *Bar Beat* (September 1989); and "Civility and Defense Practice," 69 *Michigan Bar Journal* 912 (1990).

One of the true indications that "Brian" is indeed Santa is that, given the choice of taking credit for something or giving credit, he will always give credit. He never boasts about himself. He will speak of everyone else's accomplishments, but not a word of his own. If he organizes a program or completes a goal, he literally searches for a person to credit.

"Brian's" secretary of 13 years, Shelie Robinson, sums Santa up succinctly: "I am a better person for knowing 'Brian.' He is a truly great man. He has no ill will toward anyone. He always finds the better in others. He truly cares for people. 'Brian' puts many, many hours into volunteer programs. I know this because he keeps exact records of his time, including volunteer time, and I see the results at the end of the month. If he did not love these programs, he would not be able to justify the time and income that he is giving up."

"Brian" is married to Dorie. He is father to Ross, Kelly, Jim, and Erin; stepfather to John and Rebecca; and grandfather to Jordan, Madison, Keegan, Brendan, Colin, Alyssa, Tyler, and Paige. ♦

Francine Cullari practices real estate, estate planning, and business law in Grand Blanc. She is on the State Bar of Michigan Board of Commissioners and is vice-chairperson of the Publications and Website Advisory Committee, where she is responsible for the Michigan Bar Journal. She is the editor of Bar Beat, a local magazine for the legal profession.