



# OBITER DICTUM



Obiter News:

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## Barristers Ball draws record turnout



**This year's Barrister's Ball at the Muskegon County Club was the best ever with a record turnout. Members reported the food and its presentation were excellent, the disk jockey's music perfect, and the camaraderie outstanding. Thanks is due to Tonya Selig of Mike Walsh's office and Barb Zang of Paper-Worx. Both women worked hard to coordinate mailings, menus, and RSVPs. As Dan Bonner said in his invocation, THANK YOU.**



## Monthly speakers inform, inspire members



Patrick McGlinn

Client communication is the best vaccine against a grievance, a senior associate counsel of Michigan's Attorney Grievance Commission told about 50 MCBA members at October's monthly membership meeting.

"It's all about communication," said **Patrick McGlinn**. "Most grievances, suits for malpractice or motions for sanctions would evaporate with better communication."

Mr. McGlinn said few grievances result in adverse effects.

*Con't GRIEVANCE Page 5*

After a 5-year, 10-city quest, **Josh Mervis** found Muskegon, "a hidden gem" and "a town where hockey matters."

The CEO and owner of the new Muskegon Lumberjacks addressed the MCBA's 10 November meeting at the Lake House Restaurant. The team is comprised of players 16 to 20 years of age (median age is 19) eager for advancement.

*Con't LUMBERJACKS Page 5*



Josh Mervis

# Barristers' Ball 2010, *continued...*





A serious moment: MCBA President **John Schrier** thanks last year's president, **Joseph Bader**, for his many years of dedicated service to our association and its members.





# 'Jacks' held to high standards: Mervis

## *Continued from Page 1*

Mervis said, won't play pro hockey, but each player will obtain a full scholarship to a Division One university. By the way, 13 players already signed letters of intent with various universities.

While the players clearly benefit, the community and his company will as well, said Mr. Mervis, 41. "We believe we can make a difference in the community because this is sustainable."

His business plan, Mr. Mervis said, is to "create value and do something good for the community."

Mr. Mervis said he's poured more than \$5 million not only into the team, but its two related businesses – the ice arena and its floor events. Most immediately, he had to

renovate the long-neglected facility with new locker rooms, office and meeting rooms, heating-cooling systems, and a new scoreboard. "We're trying to bring a little of the NHL to Muskegon. It's good for us and good for Muskegon."

He insists on using only local contractors. "I wanted people here doing (the work). If we don't add to the social fabric, who will?" Try-outs for the team alone brought value to the community. About 300 players and their families came to Muskegon for the 6-day June camp. They filled three hotels and numerous restaurants each day.

A former high school teacher and University of Maine hockey coach, Mr. Mervis believes in strict discipline. His players are drug tested 4 times per year and two are tested each week. No tattoos or body piercings. Grades come first.

# Don't fear - or ignore - grievances

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Typically, law clients file between 2,700 to 4,000 grievances annually with another thousand refused at the entry stage. Of those filed, only between 110 and 120 formal complaints result each year. These are "what you read in the back of the bar journal every month."

McGlenn and his colleagues investigate all accepted complaints then offer a report to the 9-member Grievance Commission that votes whether to proceed against an attorney.

Some attorneys view a grievance as something shameful and avoid dealing with it. That's a major mistake, McGlenn said. "Your defensiveness makes the grievance process worse and you'll become a defensive lawyer – not a good lawyer." A number of complaints resulting in suspensions or license revocations could have been avoided if only the attorney didn't hide from the complaint and faced it directly.

Better, he said, is to understand a grievance is not a stigma – he's been grieved twice, he said – but something to address head-on in a positive manner.

Most grievances – about 75 percent – stem from poor communication. "The client doesn't know something you do" - the project's cost, its timetable, its result, for example. "There's usually no misconduct yet you have to go through the hassle of us."

Use written retainer and fee agreements, he counseled. Return phone calls. Use a calendar to not miss court hearings. Keep your clients informed about progress – or lack of progress – in their cases, McGlenn said.

A grievance rarely arises from one incident, but from a series of missed opportunities, he said. "If a client likes and appreciates you, they won't grieve you."

# STRICTLY BUSINESS

## MCBA pictures for sale

See a picture in this edition or earlier editions that you'd like? We're happy to provide you with a 5X7-inch print or a jpg file of your selection for \$10. All donations go to MCBA's Law Education Fund.



## MCBA member information is not made public

We receive frequent requests to provide membership listings, email addresses, and mailing lists of our members. Often, these are from our own members seeking to inform colleagues about upcoming community, charitable, or political events.

While we empathize with these requests our policy has been to not sell or provide such information and to use your information only for MCBA purposes.

The Obiter publicizes events of general interest.

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