



OBITER DICTUM



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Volume 2, Issue 7: FOUR PAGES

September—October 2008

Judges overhaul public defender system

An overhaul of Muskegon County's public defender system is under way, thanks in large part to judges of the 60th District and 14th Circuit. The old system, in place for over 30 years, was failing due to higher demand for services and fewer resources.

But in today's economy, county board members don't appear willing to increase allocations for the criminal defense of indigent adults. As a result, courts through their administrators opted to divide the existing allocation in a different way and to administer the system in-house.

After 1 October, the district court will be served by four public defenders, each awarded a contract of \$45,000 annually. Each will be assigned to a single district judge. Another attorney, also paid \$45,000, will be responsible for all pre-preliminary examination meetings and preliminary examinations. An additional \$20,000 will pay for appeals and cases where conflicts exist.

The 14th Circuit will be assigned one public defender per

14th CIRCUIT COURT

Hon. James M. Graves Jr.
 Hon. Timothy G. Hicks
 Hon. William C. Marietti

ATTORNEY

Al Swanson
 Fred J. Lesica
 Frank Carrozza

SALARY

\$130,000
 \$130,000
 \$ 65,000

60th DISTRICT COURT

Hon. Andrew Wierengo III
 Hon. Harold C. Cloz
 Hon. Maria Ladas-Hoopes
 Hon. Michael Nolan
 Prelims, conflicts, appeals

ATTORNEY

Lynn Bremer
 James Marek
 Belinda Barbier
 Manda Mitteer
 Joseph Fisher

SALARY

\$ 45,000
 \$ 45,000
 \$ 45,000
 \$ 45,000
 \$ 65,000

court. However, because **Judge William C. Marietti's** docket is divided between family and criminal courts, the defender assigned there will receive a \$65,000 annual fee – not the \$130,000 allocated to defenders assigned to the other two judges.

"This is a reallocation of resources to address perceived needs," said **14th Circuit Chief Judge John C. Ruck**. "We tried to make do with what we had."

The addition of public defenders and the increase in pay was funded in large part by placing administrative duties on court personnel.

Hon. Andrew Wierengo III, chief judge of the 60th District, said the new system would benefit the public and the courts. "It's going to be productive and efficient and everyone will benefit from the new system," he said. "It's finally time the district court had sufficient public defenders to represent the indigent."



Hon. Edward C. Farmer/Chronicle

Chronicle documents 'Cam' Farmer's heroism

Sixty-six years ago a young US Marine Corps second lieutenant stepped out of college and into history – the Battle of Guadalcanal. Lt. **Edward C. Farmer**, a Muskegon man, participated in one of history's most decisive battles.

The Muskegon *Chronicle*, in its 21 September edition, profiled the

life of retired 60th District Judge Farmer and again documented the mettle of the "greatest generation."

Now 90, Judge Farmer told the story of his unit's kill-or-be-killed placement. Refusing to wear a helmet, the 24-year-old officer received a slight head wound as a bullet grazed him. In the next instant, he

Remembering 2 lions of the law

Two local lions of the law recently died. Thomas J. O'Toole died 14 August and Leo Linck on 30 August 2008. Both were grounded in their faith, their love of country, and the love of their families.

Those who knew them best remember:

Tom O'Toole, 82, was a retired senior partner with the firm he helped found, Parmenter-O'Toole. A U.S. Army veteran of the Korean War, he graduated from Muskegon Community College, Marquette University, and the University of Michigan Law School.

G. Thomas Johnson and Mr. O'Toole formed a partnership that evolved into the current law firm. Mr. Johnson remembers his partner and friend:

If you came to the new Parmenter O'Toole building within the last few years, you would find the hardest working retiree in town, or maybe in the State, checking out the law he always loved in its now electronic format, wishing for a respite in the books from a real law library, some of them piled on the desk next to his computer. If you went south for a winter retreat, you might find this same "retiree" in the law library of some Florida court house where he had gone to get away from tennis and to craft an answer or finish a project he had insisted upon by phone that day from his winter – frozen partners in Muskegon. We all remember those calls from the sunshine state – "give me something to do!"

Tom O'Toole could also be found on the tennis courts, sometimes the golf course, but most importantly around a campfire on that annual special day of November 15, when talk of the next day's search for that elusive buck was punctuated with questions from O'Toole about people in our town, how the law was going, what was happening in politics, local, state, national and world wide, and even, with some goading, how Thomas Aquinas might think on all this.

O'Toole had a special gift. You knew what it was when he flashed his welcoming smile to anyone who came in the room. You could never be stressed for long around him, even if he was your adversary in the courtroom.

He was genuine and serious about the standing everyone had in a lawsuit or in a courtroom, in front of a judge or jury. By that smile he promoted the dignity people needed to have in dealing with one another. He never characterized an opponent or a party on the other side in a negative way. He took into account the other side's needs, strongly advocated for his own client and tried to resolve controversies in ways that preserved that dignity.

Perhaps the words dignity, caring, respect, are not over-used here. Those are the keys to understanding Tom O'Toole and his memory. We look for those qualities in lawyers and judges, and we know that his memory will help us to care about the dignity of those we serve and ourselves.

So, thanks, Tom, we won't forget.

-- Tom Johnson

Leo Linck, 90, began the practice of law soon after returning from the U.S. Army during World War II. Mr. Linck earned his law degree at Notre Dame then enlisted in the U. S. Army Air Corps. He was ordered to active duty in 1944. During those early years, Tom H. Linck, watched how his older brother approached life. Later, Tom Linck would join Leo in the practice of law.

"I'd been in the service, and when I came home I was unsure about careers," Tom Linck said. "The rest of our family was involved in different business areas – such as banking and insurance. The fact that Leo was in the law was positive for me."

After leaving the prosecutor's office in the early 1960s, Tom Linck practiced law with Leo for about 13 years – until Tom's appointment to the bench.

During the years of joint practice, the two maintained different types of service to clients. "Leo focused on probate. I practiced criminal defense and general law," Tom said. "We had a good relationship that way."

Leo's personality, Tom recalled, was mild. "He avoided the 'three C's -- crimes, collections and connubial conflicts.' He didn't care to get into that kind of law at all."

His brother's legacy of a mild-mannered personality likely began early in life, Tom said. As just a boy, Leo entered a Catholic seminary for his high school education. After leaving training for the priesthood, he concentrated on his education, his military commitment, then his family. He is survived by his wife, Teresa, and five children – including Leo, Jr., who practices law in Muskegon.

Leo Linck had several passions, his brother said – Old Newsboys, his Catholic faith and membership at St. Francis De Sales Catholic Church, but especially his family.

"He had a good life," Tom said. "He always enjoyed his family and extended family, right up to the end. He was the patriarch after our dad died. To Leo, his family was always first."

His son, Leo Linck Jr., remembered his dad as a role model in the law.

"He wanted the bar listing to say 'active attorney' until his death. He loved being a lawyer," his son said. While clients occupied his father's days, his family consumed the rest of his time. And various community service organizations – especially the "Old Newsboys" – fought for his attention. Leo Sr. "liked helping children at Christmas," Leo Jr. said.

In addition to family, community, and the law, his father had another area of commitment – his Catholic faith. A member of the Knights of Columbus and the Serra Club, Leo Sr. also served St. Francis De Sales Catholic Church as a lector, member of the choir, and in other positions.

After 6 decades, decorated vet talks about ‘common heroism’ at Guadalcanal

Continued from Page 1

dropped his weapon because his hand had gone numb. He’d been shot and was bleeding out. He survived because of others, whose acts of heroism were commonplace on that killing field.

“It was a beautiful but deadly place,” Judge Farmer told the *Obiter*. But he admits he rarely talked about the war or his participation even with his spouse, children or trusted friends over the years. Few would understand.

Like many other veterans, upon his return, “Cam” Farmer did not talk about what happened in that time and place. “I don’t like to talk about it even now. It was a long time ago,” Judge Farmer said. “And (younger people) have their own lives to live.”

David Kolb, The Chronicle’s opinion page editor and author of the article, said he learned the judge took part in the Battle of Bloody Ridge – but getting Judge Farmer to cooperate was tough and the interview was tougher. “I kept at it, wanting him to tell me his story,” Kolb said. “He was very hard to convince, but over a month and a half we met every Saturday for hour and half. He’s a remarkable gentleman and he shared with me his story. I was very surprised to discover he’s probably the last guy from his regiment in that World War II battle.”

The author of a book on World War II, Kolb had interviewed a number of Guadalcanal veterans over the years. But “when I found out we had not only a combatant but a hero right here in Muskegon, my reporter instincts took over.”

His subject, Kolb said, was “very humble. He does not think of himself as hero. He would have gone away without telling the story and it would not have bothered him in the slightest

because he doesn’t think what he did was anything special.”

The *Chronicle*, like most newspapers, keeps a file of articles concerning individuals.

Unbelievably, Kolb said, The Chronicle’s file on Judge Farmer had only a brief account of his wartime injury.

Judge Farmer sees nothing unusual in that kind of coverage and seems embarrassed at the recent publicity. As for Kolb’s reporting, the writer did well, the judge said, “and he penetrated some areas I don’t like to talk about anymore.”

Kolb said the younger Farmer, like many in his generation, were regular guys called upon to do an uncommonly tough job “and he did it in a spectacular way.”

“Cam” Farmer retired from the bench in 1992. Since then, he and his wife, Kim, have traveled the globe –including a memorable voyage to Antarctica. The couple continues to be active.

Their favorite sites include Wales, Scotland, England, and Ireland. Their daughter, Alice, attended Trinity College, Dublin, and the couple visited there frequently. An avid golfer, the judge played St. Andrew’s and other courses throughout the Isles. A planned voyage is to begin soon in Boston, through the Bay of Fundy, up the St. Lawrence and ultimately to Montreal.



David Kolb

Contact Your MCBA Officers

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Mark your calendars for these upcoming events

Wednesday 8 October: MCBA lunch meeting, Holiday Inn Downtown, Noon—1 p.m. Featured speaker: **Mary Boyd**, of Mercy General Health Partners. Ms Boyd will discuss the latest news regarding the Mercy and Hackley Hospital merger. Questions will be addressed as time permits. RSVP Elaine Harris, eh@parmenterlaw.com.

Wednesday, 12 November: MCBA lunch meeting, Holiday Inn Downtown, Noon—1 p.m. Kurt Troutman and David Takitaki of MCC will discuss the recent election.

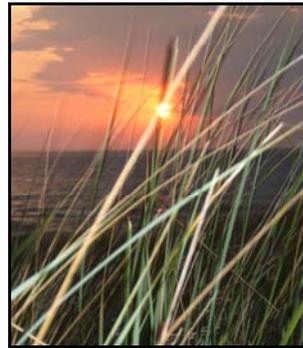
Friday, December 5, Muskegon Country Club, Barristers’ Ball. **Matt Miller’s** band performs.

HELP WANTED

The MCBA needs your help:

1. Please ask your colleagues if they’re receiving the *Obiter* and if they are members of the MCBA. If not, please let us know.
2. Dues are due. Please remit ASAP.

How we spent our summer vacations...



Above and right: Lake Michigan at Silver Lake, Oceana County, August 2008. **Mike Walsh**
First Below: Seattle and area, August 2008, **Tom Walsh**.
Second Below: Ireland and England, July 2008, **Bridget Walsh**.



So, where have you been lately?

Share with colleagues pix from your travels. Send to mcaobiter@yahoo.com



Share YOUR travel pix with The OBITER; mcaobiter@yahoo.com