

# The Mentor

THE NEWSLETTER OF THE STATE BAR OF MICHIGAN'S  
MASTER LAWYERS SECTION



*"The voice of trust through experience."*

*Fall 2017*

## Message from the Chair

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I am honored to be chair of the Master Lawyers Section and proud to join the company of past chairs, who worked so hard to make our section successful. It is an even greater honor, because I devoted my term (2007-2008) as president of the State Bar of Michigan to reforming the Senior Lawyers Section. At that time in Michigan, more than 52 percent of the Bar's active resident members were 50 years and older and 23 percent were 60 and older. This demographic shift in our profession presented an unprecedented opportunity to apply our experience to make our profession better serve the people of Michigan.



Ronald D. Keefe, Chair

In one of my president's pages, I wrote that each of us needs to examine what we like about being lawyers, and see how we can channel our favorite aspects of practice into public service opportunities after retirement. I wrote also that, while each of us must find the service opportunity that fits our idea of retirement, the State Bar can provide support. To that end, I established a Senior Lawyer Section Planning Group to explore ways to promote and support an active senior bar in Michigan. The work of the planning group, with terrific support from members of the State Bar staff and the Board of Commissioners, established the Master Lawyers Section in 2010.

While the section has made great strides these past seven years, we are still a work in progress. I am excited about the possibilities open to us in an active Master Lawyers Section, whether you are retired or working, and look forward to having a wide-ranging discussion of the ways we "master lawyers" can serve the public.

**2017-2018  
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## Notes from the Editor

It's fall—time for football, color tours of our beautiful state, Halloween candy, being lost in a corn maze, and the *Mentor*, your quarterly newsletter. We have a great issue. You can read about the perils facing the Great Lakes in “The Fish We Eat” by Nick Roumel. Jill Daly, Oakland County probate register, makes us laugh out loud with her essay “Tales from Probate,” where she reveals new words created by the public such as “I’m just elderly.” If fiction is your pleasure, check out “My Son, Vince” by Judith Ellison, prize-winning author and retired administrative law judge.

And there is some law: Jessica Zimbelman, assistant defender with SADO, writes about “Resentencing the Juvenile Lifer.” Finally, our new chair, Ron Keefe, tells of his plans for our future.

—*Roberta*



Roberta M. Gubbins, Editor

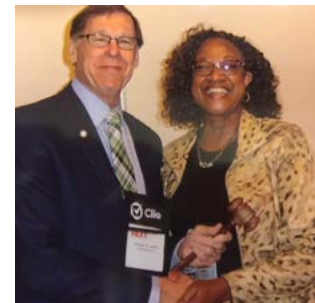
## Scenes from the Annual Meeting



The following officers of the Master Lawyer Section Council were elected at the annual meeting in Detroit on September 29, 2017. L to R—Paula Cole, Secretary, Ron Keefe, Chair, Kathleen Williams Newell, Chair-elect, Cynthia Johnson, past chair and Vincent Romano, Treasurer.



Ron Keefe introduces guest speaker, Dr. Peter A. Lichtenberg, Director of Institute of Gerontology and Professor of Psychology at Wayne State University, who spoke to the group on “New Assessments to Financial Decision Making.”



Cynthia Johnson, past chair, passes the gavel to newly elected chair, Ron Keefe at the annual meeting of the Master Lawyers Section.

# The Fish We Eat

By Nick Roumel

The Great Lakes are immediately recognizable to Michiganders, who are lucky enough to be bordered by four of them. I have a framed satellite image of these beauties, five familiar patches of deep blue on a bronze leaf background. They are the largest connected body of freshwater lakes on earth. Michiganders rely on them for sport, recreation, natural beauty, and the fish we eat. But maybe we take them a little bit for granted.

When Native Americans lived here before European immigrants, they enjoyed a bounty of fish from pristine Great Lakes waters: sturgeon, lake trout, whitefish, herring, and perch, among about 150 species. Settlers, astounded by this resource, went crazy with commercial fishing and netting.

It wasn't sustainable. Unrestrained overfishing and invasive species decimated populations. Sturgeon and lake trout nearly went extinct, upsetting the delicate balance of the lakes. For example, trout fed on a small fish called alewives. When the trout died off in the early to mid-twentieth century, alewives became an invasive species. Salmon were introduced to eat the alewives, and were so successful that there weren't many left for them—and now the salmon have started to die off.

Humans brought other threats to Great Lakes fish. International freighters, traveling along canals and deep-water trenches in shallow places like Lake St. Clair, brought zebra mussels—those tiny nuisances that cluster on boats, industrial pipes, and wreak havoc in shallow-water areas. Twenty years of hard work have virtually eliminated the zebras, but their cousins, the quagga mussels, have taken over. The quaggas cover the deep bottoms of the lakes, and suck the plankton out of water that the fresh-water fish feed on. Their presence is also linked to the algae blooms that blanket the shores along Lake Erie in northern Ohio.

Anyone who was around Michigan in the '70s remembers the mercury warnings. While mercury in some form is naturally occurring, coal-fired plants surrounding the lakes emit higher levels that settle on the ground

and surface water. The insects become contaminated, and the small fish eat the insects, who are in turn eaten by the larger fish. The mercury cannot be adequately processed. Advisories called for people to limit consumption of species like whitefish.

Later, industrial contaminants like PCBs, flame-retardant materials, and insecticides like DDT were found in increasing levels. Exacerbating all these problems is climate change causing increased lake water temperatures that allow bacteria to thrive.

Environmental efforts have stemmed or reversed much of this harm, but that may be changing. Washington has called for slashed funds for Great Lakes restoration, and even those in Michigan are shrugging their shoulders. Watchdog groups like the Michigan League of Conservation Voters (LCV) have forcefully advocated on issues dear to the Great Lakes.

In March, the president proposed reversing the EPA's 2014 directive for power plants to cut carbon emissions by 30 percent by 2030. These emissions contribute to mercury levels that affect our fish. Michigan LCV Executive Director Lisa Wozniak wrote, "Cleaning up the Great Lakes isn't just about correcting the mistakes of the past but leveraging a vital resource for the future. ... Michigan's livelihood is on the line."

This is not hyperbole. This summer, the company that operates the 64-year-old "Line 5" oil pipeline, running through the Straits of Mackinac, disclosed that it found "a number of gaps" in the protective layer of enamel coating on the pipes. Wozniak called for a shutdown of "this outdated, poorly maintained and dangerous pipeline."

My local fishmonger Mike Monahan (Monahan's in Kerrytown, Ann Arbor) steers his ship away from the political turbulence—though he cannot help but be concerned about issues like Line 5. He reads voraciously, stays up on issues affecting our beautiful lakes, and takes great pride in his products. Monahan buys only from reputable sources, and "wouldn't sell any fish

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unless I felt it was safe enough to serve my own family.” He’s weathered the changing species, limited availability, mercury warnings, and other periodic advisories to consistently maintain a showcase of glistening, freshly-caught fish. One would like to think these are like those the natives caught centuries ago, before there was even a Michigan. We need to keep it that way.

### About the Author

*Nick Roumel is a principal with Nacht & Roumel, PC, a firm in Ann Arbor specializing in employment and civil rights litigation. He also has many years of varied restaurant and catering experience, has taught Greek cooking classes, and wrote a food/restaurant column for Current magazine in Ann Arbor. Follow him at @nickroumel.*

## Tales from Probate Court

*By Jill Koney Daly,  
Probate Register, Oakland County Probate Court*

My first rule of probate is this: where there’s money, there’s family. And the converse is often sadly true: where there’s no money, there’s no family. A corollary rule: where there’s family, there’s potential for conflict. Ask a predecessor of mine who paid for his “warring relatives cottage” up north with legal fees from these contests. And those people who create trusts to avoid probate? Sure, their estate may avoid probate, but their expensive trusts may not avoid probate *court*, the safety net to capture those conflicts of sometimes Shakespearean proportion.

My many years of probate court have given me a box seat to some amazing, inspiring and chuckle-worthy vignettes. Here are some.

- The concept of “interested persons” (aka “interested parties”) tends to elude some pro pers that frequent probate. We might see a child’s petition for guardianship over an incapacitated mother listing no other interested persons. When we inquire, “Any other interested persons?” it is not uncommon to hear something like “Oh, I’ve got a brother and two sisters but they aren’t interested, those losers! They never visit Mom or anything like that.”
- Back in the day, we had jurisdiction over emancipations. We could barely contain our amusement once when a young man approached our service counter asking to be “emasturbated.”
- In a similar vein, we used to have jurisdiction over Acknowledgments of Paternity as well. To assess the appropriateness of the filing, the staff would ask the mother, “Were you married at the time of birth or conception?” More than once, the puzzled response was, “What’s conception?” as our flustered staff tried to tactfully explain the “concept” to the happy couple.
- How about the time someone filed a petition asking for the appointment of a “*pubic* administrator” as conservator? (We hope they meant “*public* administrator.”)
- Warning—if you go to Probate Court to start an *Independent Estate*, you may get curious looks from staff who may have been young children when the Estates and Protected Individual’s Code (EPIC) changed the nomenclature to *Informal* in 2000.
- During the time the real estate market was on the skids, a caller had questions dealing with a decedent’s burial, condo and valuation of said condo. When I sought clarification and queried “underwater?” the shocked response was “No, in a cemetery!”
- A woman called me to find out why her funds were frozen at the bank. Checking our case management system, I informed her that she was dead. Or at least

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declared dead. She responded “I’m on a ventilator but I’m not yet dead!” Naturally, we reopened the file for further action.

- Not too long ago a son called me, pretty sure that his father had a decedent estate in our county. He knew his DOB and he thought he had a DOD, but he had no confirmation. They had been estranged for many, many years and no one in the family was willing to provide any information. I searched for the somewhat unique last name in our case management system. Without revealing that I had detected something unusual, I told the son that the father’s name did not appear, but after further research I would call him back. There was someone with a different first name—a very feminine one—but the same last name, same day of birth, and same day of death. Could it be a coincidence? No. Upon review of the file, the mystery was solved. I called the son back to confirm that we had an estate for his father. But his first name had been changed. And I was looking at Box #3 of the death certificate which revealed the decedent’s gender as “female.”
- A musing: did you ever ponder how rare it would be for two people to have the same exact life span from DOB to DOD?

Some people make up the best words:

- I’ve heard of “grandma” seizures (grand mal?) in guardianship reports. No grandpa seizures yet.
- “Diebetes.”
- “Get out of my discomfort zone.”
- “I’m just elderly.”
- A 95-year-old woman needed to share her life story as she deposited her will for safekeeping. To her dismay, she had recently started taking pills after going a lifetime without and described this condition as “pillonious.” According to her, the secret to her long life was to “just breathe every day.” Who knew?

I am inspired every day by so many guardians, in particular:

- There is the woman in her 80s who has been the guardian and caretaker for her son since 1979, when he exited his Navy submarine after many months at sea, hitched a ride on dry land, was in a car crash and became paralyzed for life.
- Imagine the elderly parents still caring for their now elderly children with developmental disabilities, and when asked whether they want to continue, they will regularly say things like “Of course. We’re his parents. No one could take better care of him than his parents!”
- A mother, age 96, was the guardian of her son, the ward, age 70.
- Finally, there is the case of a gentleman who was in an accident when his children were only 1 and 2 years old. They have grown up to become his guardians and each welcomes him into their home to live for ½ a year. In their words, he is childlike, fun and now greatly goofy with his grandchildren. They have never known him any other way. His children smile lovingly, telling me “it is what it is!” as they make the best of the situation. Like most of us hope to do every day no matter what comes our way.

### About the Author

*Jill Koney Daly is the probate register for the Oakland County Probate Court, where she has been employed for the past 29 years. She is a graduate of Michigan State University and the Detroit College of Law and is a member of the State Bar of Michigan and the Michigan Probate and Juvenile Registers Association (MPJRA). She is a frequent speaker for the Oakland County Bar Association, the Institute of Continuing Legal Education and the MPJRA. She presents the seminar “Removing the Mysteries of Probate Court” for the Oakland County Probate Court several times a year. Her story “Dorothy’s Home” was the third place winner of the 2011 State Bar’s short-story contest; she was a finalist in 2009 and 2013 as well. She is a life-long Detroit Tigers fan who gardens in between innings.*

# Resentencing Juvenile Lifers

By Jessica Zimbelman

In 2012, the United States Supreme Court ruled that the Eighth Amendment rights of juveniles who automatically received life without parole for homicide offenses had been violated. *Miller v Alabama*, 567 US 460 (2012). The Michigan Supreme Court held that this decision was not retroactive. *People v Carp*, 496 Mich 440 (2014). However, on January 27, 2016, the United States Supreme Court held in *Montgomery v Louisiana*, 136 S Ct 718 (2016) that *Miller* was retroactive. Now, the 363 individuals in Michigan serving life without parole for homicides committed while juveniles are entitled to resentencing hearings.

The Court's decision in *Montgomery* triggered MCL 769.25a, which governs how these resentencing hearings will proceed in Michigan. The burden was on the county prosecutors to determine by August 2016 whether they would again seek a life without parole sentence. Statewide, in a vast majority of cases, the prosecutors again sought life without parole.

For those cases where the prosecutors did not seek life terms, the minimum term must be between 25 years and 40 years and the maximum term is set at 60 years. MCL 769.25(9). The statute also gives priority in scheduling resentencing hearings to prisoners who have already served over 20 years. MCL 769.25a(5)(a).

As of July 2017, 86 people have been resentenced to term of years sentences, and will see the Parole Board. Thirty-two individuals have already been granted parole, and 25 have already been paroled and returned to their communities.

For those individuals where the prosecutor is again seeking a life without parole sentence, the actual resentencing hearings—or *Miller* hearings—are on hold for the time being. This is because of an outstanding question in Michigan: whether a **jury** must determine, beyond a reasonable doubt, that a sentence of life without parole is appropriate. On January 24, 2017, the Michigan Supreme Court granted leave in *People v Tia Marie-Mitchell Skinner*, Case No. 152448, to decide just that question. The Court also granted mini-orals

in *People v Kenya Hyatt*, Case Nos. 153081, 153345 regarding what standard of review to apply to sentences imposed pursuant to MCL 769.25. Oral arguments in both cases will be held on October 12.

The Court's leave grants stem from the Court of Appeals decision in *People v Hyatt* on July 21, 2016. In *Hyatt*, the Court of Appeals had convened a rare conflict panel to resolve a conflict between the Court's opinions in *Hyatt* and *Skinner*.

In the conflict panel opinion, the court held that it was the sentencing judge, not a jury, who must determine what sentence is proper. The court reasoned that “[n]either *Miller* nor MCL 769.25 implicates the right to a jury trial under *Apprendi* [*Apprendi v New Jersey*, 530 US 466 (2000)] and its progeny. Rather, our Legislature's implementation of *Miller*'s Eighth Amendment protections through MCL 769.25 simply establishes a procedural framework for protecting a juvenile's Eighth Amendment rights at sentencing.”

The Court also required appellate courts, when reviewing sentences imposed on these juveniles, to “conduct a searching inquiry and view as inherently suspect any life-without-parole sentence imposed on a juvenile offender under MCL 769.25.” Life-without-parole sentences are only for the “truly rare juvenile” who is irreparably corrupt.

Regardless of whether a judge or jury decides whether the defendant is one of the rare offenders deserving of a life-without-parole sentence, the trier of fact will analyze the factors outlined by the United States Supreme Court in *Miller*, which include:

- Chronological age and its hallmark features: immaturity, impetuosity, failure to appreciate risks/consequences;
- Family/home environment;



Jessica Zimbelman

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- Circumstances of the homicide offense, including the extent of participation and how familial or peer pressure may have affected him/her;
- Possibility of lesser conviction, if not for “incompetencies associated with youth” (i.e. working with prosecutors, police, trial counsel); and
- Possibility of rehabilitation.

It is likely that these hearings will be extensive, no matter who the trier of fact is. The age of some of the cases may pose logistical issues. For example, it may be difficult to locate and produce records (medical, educational, prior misconduct, etc.), relevant to the *Miller* factors concerning the individual prisoner as of the date of the offense. Additionally, MCL 769.25(7) states that at a *Miller* hearing, the court [or jury if that right is applied] “may consider evidence presented at the trial together with any evidence presented at the sentencing hearing.” The older the conviction, the more difficult it will be to locate witnesses, evidence, or exhibits to demonstrate those circumstances to a fact-finder. Lastly, in many of the older cases, the trial judge may no longer be on the bench, so a successor judge will be in a similar situation to a new jury—unaware of the trial evidence absent a hearing that may become, in certain cases, essentially a retrial.

Because *Hyatt* and *Skinner* will likely not be decided until late 2017 or early 2018, *Miller* hearings will not begin in earnest until 2018, although certainly both the prosecutors and the defendants are preparing now for these eventual hearings and possible negotiations.

### About the Author

*Jessica Zimbelman is a 2002 graduate of Hope College and a 2008 graduate of Michigan State University College of Law. She has been an assistant defender with the State Appellate Defender Office (SADO) since 2012, representing indigent criminal defendants on their appeals.*

*Jessica has trained attorneys and judges through various groups, including the Michigan Judicial Institute, the Michigan District Judges Association, the Criminal Defense Attorneys of Michigan, and the Michigan Appellate Assigned Counsel System. She also hosts quarterly meetings of SADO's Family Outreach Night.*

*She is the primary author of the Defender Guide for Attorneys: Policies and Procedures of the Michigan Department of Corrections (MDOC), published by the Criminal Defense Resource Center.*

*Jessica lives in Lansing with her husband, Alex Rossman.*



# My Son Vince

By Judith Ralston Ellison

Sandoz had taken a chance on me. I felt grateful but scared of a surprise I couldn't legally handle. What if I didn't make good on his estimation of me? I was a new law school graduate but older than most of the women flooding into a bigger world. I was struggling to make good in the man's world of law, at a time when even top notch women graduates couldn't get hired.

Late hours at the law office became a regular routine for handling the medical malpractice cases for Sandoz, the senior managing attorney. Tonight included West Coast telephone calls to medical experts meeting the legal qualifications for endorsing the Notice of Intent to Sue for medical malpractice.

My tired muscles were relaxed in the car bucket seat until I approached my condo parking lot. The brightness of the flashing lights reminded me of an extra-terrestrial landing but they were police red and blue. I had to park my car in the street. The approach was blocked by Oak Ridge police cruisers. I was startled by this threatening vision in my peaceful suburban neighborhood.

I grabbed my briefcase full of medical expert resumes from the car and headed to my front door. Then I heard a loud pounding. Looking around I could see flying hair in the back seat of a police cruiser as a head hit against the side rear cruiser window. The action was pretty painfully desperate.

I just barely made out the scared face of my neighbor, Alice Leigh Gonzaga, in the rear of the cruiser. She must be handcuffed because she sat forward on the seat. But she had seen me. Alice was yelling:

"Rachel, Rachel, that's my lawyer. That's my lawyer."

I stepped toward the cruiser but was brusquely stopped by a giant police officer who practically stepped on my feet in his hurry to stop me.

"Are you her lawyer?" he yelled over the din from the cruisers intercoms.

Trying to buy time and engage him in fact finding, I asked: "Officer what's the problem? I live here."

His tone was loud as he repeated:

"Are you her lawyer?"

He wasn't going to buy any delay or answer questions.

I had just started with Sandoz's office and had no experience as a criminal defense attorney. Still fresh from law school, I answered:

"No, officer, I am an attorney but I am not her attorney, just her neighbor."

He turned away satisfied that she hadn't lawyered up yet.

As he turned, hiding me with his big body, I secretly signaled to Alice with fingers over my mouth, a tipping of a fedora and the holding sign of a telephone to my ear. I hope she understood to call her father.

Entering my condo, I went to the side window without turning on any lights, watching the police. They milled about the parking lot talking to each other and then talking inside the cruisers. Alice appeared calmer and was leaning sideways.

I wanted to call Sandoz for advice but it was late. I knew he was an early riser and I could call him in the morning but that night I couldn't sleep. All I could see in my restless fragmented dreams were four Oak Ridge police cars headed behind each other out of the parking lot with Alice in the second car. It seemed like she was on the FBI most wanted list. What had I missed about her?

Since she moved to the condo complex, Alice had gotten on well with me even though we were about 20 years apart in age. She was helping me with my law school learned computer skills. Being an older student, I needed help with technology.

She would pop over to help me with Windows 95 and we would talk girl-talk. I got the impression she needed a woman friend. She found out my son Vince



Judith Ralston Ellison

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was living in her father's building. She laughed, recognizing his picture on my desk. We briefly discussed his art. He had won prizes at Detroit-based Creative Studios.

Alice grew up in Stanley; her mother was dead and her father owned several apartment buildings there besides the one where Vince was living on South Street. Living in a downtown upper flat fronting the main action, Vince was part of the artist scene then prominent in Stanley. For Christmas, Vince gave me vases made by local glass blowers.

The mid-'90s buyers recognized Vince's art as special, Alice insisted. He displayed the art on the walls of the coffee shop owned by her father. I was puzzled sometimes. He had told me he wasn't making money selling art. But I saw his art wrapped in brown paper marked sold. New canvases were hung. The money he earned to pay his bills, he told me, was for local carpentry repairs and seasonal landscape work.

Sometimes he did work for Alice's father. My son Vince knew everyone in Stanley, and spoke Portuguese, similar to Spanish, and talked with the migrants there. I trusted what he told me even though I had questions in my mind. His father had drilled me to let Vince experience life. Vince and I were still grieving the loss of his father but kept our thoughts separate in alone spaces.

Alice did not say much about her father. But being interested and curious, I was a good listener, did not pry, but remembered and observed things. Alice did not appear to have a regular work schedule but must have had some money. She dressed smartly. I admired her style but I learned she did get involved with some questionable men in my estimation. I never saw Alice as girlfriend material for Vince but then I was his mother.

Vince didn't say much about his life in Stanley but told me to be very polite to her father when we met, which wasn't too frequent but happened on occasion. Like I said, the downtown was an emerging art mecca in the mid-'90s. I attended artist openings and met her father at his coffee shop where my son's art was on display. He wore a fedora, dressed well, expensively like Alice, and was very polite.



By six the next morning I was only too ready to call Sandoz. I blurted out:

"Sandoz, my neighbor went away in an Oak Ridge police car last night. Before she was driven away she yelled to the officers that I was her attorney. I told the police I wasn't but I think, well, am I legally implicated in any way? What do you think?"

Sandoz was a good attorney but didn't like confusion in his life and I was new, and so far, untried as to my value to him. I wanted to clear myself of any problems with him. But what could I do? I had walked in on something. I was surprised when Sandoz listened carefully to the details of last night's scene. I also told him Alice was the daughter of Raphael Gonzaga. He gave a low whistle.

"OK, you denied being her attorney, good. Never wise to get involved or accept cases with unknown criminal issues. Are you implicated? Well, only as a witness to the police arrest. That's the only thing, right!" I was fearful to say Vince was working for Gonzaga because Sandoz gave that low whistle at the mention of his name.

"She is going to need a good attorney like Hitchcock Ripple. He is the best criminal defense attorney in the county."

I still felt I had let Alice down in a scary situation:

"Can I visit her without being her attorney?"

"Yeah but you have to tell her you are not representing her because nothing she tells you has the attachment of legal privilege."

I could tell Sandoz was finished:

"What's her name, oh yeah, Alice."

Sandoz kind of chuckled before he hung up the phone. I think he was laughing at my inexperience with criminal matters. Well, I knew I would show him good legal practice with those medical malpractice cases because I had studied the new law backwards and forwards and had a medical background. But I was curious about Ripple.

I went to the big daunting machine called a computer to search for a picture of Hitchcock Ripple and saw he had a reputation for representing big time defendants in federal and state criminal charges. Why did Sandoz mention his name? Then I remembered Sandoz's low whistle at the name of Alice's father.

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I drove downtown to the Oak Ridge Police Department. I knew the town well, having lived in Oak Ridge all of my life except for when my deceased husband took a teaching position in Sao Paulo, Brazil. Actually, Vince was born there; and speaking the language, when not in school, ran the streets with other expat American boys. But it was the Brazilian street boys he preferred. It was my husband's idea for Vince to be street smart. I worried; but nothing happened in Brazil that I knew about.

Oak Ridge was experiencing an upswing in newcomers and visitors who ate at the bistros set in little park-like settings concealed behind green shrubbery. Parking was a short walk to the jailhouse inside the police department. Nearby, a cute upscale young style shop was where I bought slacks and a blouse for Alice. A woman guessed on the size of her underwear.

At the front desk I recognized the officer as the same one who had taken my fingerprints for character and fitness when I applied to the Michigan State Bar for admittance. He smiled a welcome, recognizing me.

I told him I was there to see Alice but not to represent her. The officer told me that Hitchcock Ripple was already there. Wow, I was relieved; maybe Alice's father had called him. I didn't think Alice would have, but wait—what did I really know? This was getting tricky but my curiosity was on full steam. Then I saw him, Ripple, silver hair with a suit to match. Handsome, I thought.

I told him I was visiting Alice and was her friend and neighbor and saw the arrest. He nodded but couldn't get away fast enough. So with a paper badge and a hand search of my brief case I was led to a small room where I saw Alice. She waved. I smiled. At a distance, I saw a reddened mark on her right cheek. She ran and hugged me but the officer told her to sit down.

"I'm not your attorney. I hear Hitchcock Ripple is representing you."

I gestured to the red mark.

"They pushed my face into the grass when I tried to run. I was scared,"

Alice said. Remembering what Sandoz said and not wanting to jeopardize my position, I tried to change the

subject to avoid being implicated. I told her I bought some new clothes.

"They put them in a locker assigned to you."

She said she would ask her father to send me money.

"I didn't say anything to anyone even though they tried to trick me. They got a little rough with their language you know, swearing, accusing me of being involved. I don't know anything about abduction. Hitch said, 'Don't worry.' Yeah, I did run when they came to my door. Resisting arrest, they call it."

"Wait, wait, I'm not your attorney. Privilege doesn't attach to anything you say to me. Meaning, if questioned, I have to tell them anything you say to me. Stop talking. I'm here only as your friend."

"But I already told all this to Hitch. I guess I'm charged with resisting arrest but all I know is they were asking about the photo of me taking the envelope to that restaurant on Telegraph Road in Bloomfield. Is that a crime?"

I was feeling anxious about being there.

"Listen, Alice, I don't think I want to hear anymore."

She kept talking:

"You know that guy who was the bodyguard for that big union leader that's still missing, Hoffa or something; he's a friend and kind of bodyguard to my father. My father told me, 'Go to the restaurant; don't give the envelope to anyone else but him. I think his name is Bernie something.'"

Alice seemed to be pretty much in the dark about recent events. The news about some important guy named Bernie Tomson disappearing and last seen at a restaurant on Telegraph in Bloomfield was on TV.

A similar scenario, the one Alice mentioned about the missing union leader, had occurred about 20 years earlier when she was an unknowing child of about two years old. I was glad, so glad, she already had representation. Sitting here with Alice was certainly way out of my comfort zone. She was tearful when I hugged her to leave. I had to get out of there.

My life had taken an unwelcome turn. I had had little experience with crime, dark drama or bad guys. I silently consoled my unease with other memories.

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Maybe my husband knew he had to get Vince street-wise with a naïve mother like me. But Vince's father was gone. So I began to worry about Vince living in Stanley. What could I do?

I drove to the office and called Vince. He told me not to worry: "But Mom, I wish you had not gotten involved. Just stay away from Alice. Don't come downtown." He hung up. Now my mind formed the puzzling question: how did he know about my visitation with Alice in jail?

The next day, I concentrated on my medical experts' resumes. I had medical records to review. This lasted most of the day and I felt an alleviation of my worry about the recent events with my neighbor. When I arrived at my condo, things were quiet. I looked at Alice's empty, lightless condo, hoping she would be all right, but I also did some computer research on Bernie Tomson and Raphael Gonzaga.

All I could find were newspaper articles about property purchases around Stanley, the awarding of building projects and Gonzaga's dismissed charges of money laundering. Bernie Tomson had been a co-defendant. But witnesses had disappeared and the charges dismissed. Was the money laundering drug related or something else?

Twenty years ago Tomson had been a bodyguard to a big union boss who disappeared and was never found. There had been a lot of speculation about what happened but no recovery of any body. Now Tomson had also disappeared. Alice's name was never mentioned in the recent papers nor had her name been connected to her father.

When I tried to talk about this to Sandoz, he just shrugged and changed the subject. Alice did not return to her condo before my California trip for the deposition of my medical expert. I was gone for 10 days because the defendant's attorney was sharp and tried every trick to trip up my expert's testimony.

Before I left Michigan, I spoke to Vince. He said he was all right. I gave him my contact information in California. I was delayed returning home so I left him a voice message but was not able to talk to him.

Here I was on the other side of the country in a hotel without a computer or any resources besides a desk phone, as a licensed attorney, and I could not keep track

of the dark events I left in Michigan. There was nothing in the news or on TV about recent events out west.

Shortly after arriving home from California, I attended the monthly women attorneys meeting. It was especially interesting because the speaker was Hitchcock Ripple. Hitch did a good job outlining his role as a criminal defense attorney.

He recognized me in the audience with a nod and smiled, but that's the only thing he gave me. I wanted to ask if Alice was in witness protection or what, but didn't. I knew nothing. Maybe I did not want to know because I didn't try too hard.

I was busy so thankfully forgot about my experience with the drama of Alice. My case load was heavy with plaintiff malpractice claims when Vince called me at the office. I was surprised. It was not common for Vince to call at the office unless it was important or he was desperate.

"Vince, what's going on?"

I could hear the fast breathing in his staccato talk. I prepared for some trouble. "Mom, I got kicked out, they changed the locks and I can't get into my apartment. I paid my rent to a PO box, so the rent was paid"

"Did you get an eviction notice? Month to month is a 30 days' notice."

"No, no papers, just the lock change. Have you had any contact with Alice or her father?"

"No, no involvement with Alice for weeks now. Her condo is empty. I guess they moved her out when I was in California."

I didn't tell Vince or anyone about the envelope of money marked "clothing," pushed in my mail slot and burning a hole in my underwear drawer.

"Well, someone cut the lock off my storage unit and stole work tools and a brand-new gas powered chain saw."

"Did you have it insured?"

"No, you know I don't do those things."

Yeah, I knew Vince was an artist, not a business mind.

"And your art and art supplies?"

"Two weeks ago I rented a loft studio; I moved my supplies there and rescued my art from the coffee shop. They were using my art; I can't let them do it anymore."

I felt better about his priorities but was worried and said:

“Do you want me to do something legal?”

“No, let Alice and her father go,” he commanded. “It’s safer all the way around. Look, Mom, I can’t tell you any more, please.”

I was used to Vince talking in riddles but did Alice and her father have anything to do with my son’s lock-out or threaten his safety? I didn’t ask. “Vince,” I tried to sound hopeful, “Find a new apartment outside of Stanley I can give you the security deposit.”

“No, mom, I just can’t. . . . I really can’t.”

Vince hung up the phone, but I had my own plan. His father was gone; it was time

I listened to my smarter self. So I put the plan into action with a phone call.



When I read the headlines: “Old human mummified remains found at a building site on the outskirts of Stanley. FBI investigating,” Vince had been living in Sao Paulo, Brazil for many years. The clothing money had helped pay for the flight. Vince had engaged in a successful Brazilian life, wife and all. Sandoz and I had formed a PC. I had grown a lot over the years and was no longer afraid to practice law. Alice had disappeared from my life years earlier, and had never re-appeared.

### About the Author

*Judith Ralston Ellison retired from state employment as Administrative Law Judge in 2009. She is now writing and submitting short stories. Along with her volunteer work for the Detroit Institute of Arts and Detroit Film Theatre, Judith had won two awards from Rochester Writers for Flash Fiction. In 2015, Third Wednesday published The Family Star in its Spring 2015 issue.*

