



*'Help America Vote' Act isn't helping—Page 2*  
*ENPACT attracts largest audience ever—Page 5*

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# WASHTENAW COUNTY LEGAL NEWS

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## Powell accepts King award; Kym Worthy addresses WCBA

BY FRANK WEIR  
*Legal News*

Washtenaw County Chief Public Defender Lloyd Powell received the WCBA's Martin Luther King Jr. "I Have A Dream" Award last Thursday capping Bias Awareness Week activities.

Wayne County Prosecuting Attorney Kym Worthy was the featured speaker at the 17th Annual Bias Awareness Week Award Dinner.

Washtenaw County Prosecuting Attorney Brian Mackie introduced Powell and presented the award.

"Lloyd is a foot soldier for the Constitution," Mackie began. "He has spent his life in public service. His father was a minister and he learned early on that we are here to serve."

"He believes this is the greatest country on earth but that it can be better."

Mackie made note of Powell's trial skills when he served as an assistant prosecuting attorney for the late William Delhey. "He has done it all in the law. Lloyd was a great and entertaining trial attorney as both an assistant public defender and as an assistant prosecuting attorney."

"After his searing cross examinations, you wanted to crawl out of the courtroom. His final arguments were epic."

"This award is so well deserved. Lloyd always is on the correct side of social issues and tirelessly believes in a person or a cause. You can't have an event



Chief Public Defender Lloyd Powell, right above, received the WCBA's Martin Luther King 'I Have A Dream' Award last week from presenter Prosecuting Attorney Brian Mackie, left above.

Above right, Kim Moore, far left, organizer of Bias Awareness Week and the award dinner, joined Powell, Wayne County Prosecuting Attorney Kym Worthy and Mackie for after-dinner congratulatory photos.

Worthy, far right, was the featured speaker for the event.

Near right, Judge Darlene O'Brien congratulated Powell as the evening concluded.

—Legal News Photos by Frank Weir



where children want a speaker or kids need money for a program that Lloyd isn't there. Many kids get to go to an event because Lloyd bought tickets.

"If invited to speak to support a cause, especially if kids need a break, Lloyd will help. If someone needs help, Lloyd will be there. He talks to new lawyers

and helps them navigate the system. He always helps with real passion," Mackie said.

"There is one quote from Dr. King that I think particularly

applies to Lloyd, 'We must accept finite disappointment, but never lose infinite hope.'"

In accepting the award, Powell

(continued on page 5)

### MORE INSIDE

- Bankruptcies . . . . . 29
- Circuit Court Docket. . . 32-36
- Circuit Court New Cases . 29
- Crossword Puzzle . . . . . 36
- Home Sales Recorded. . . 29
- Kitchen Accomplish . . . . 3
- Legal Notices. . . . . 6-28
- Mortgages Recorded . . . 30
- On Point . . . . . 2
- Taking Stock . . . . . 4
- WCBA Events Calendar . . . 4

## Egeler finds niche in Sheriff's Department support services



Washtenaw County Sheriff's Department Commander David Egeler poses with a fire engine he helped restore.

—Legal News Photo By Frank Weir

BY FRANK WEIR  
*Legal News*

You see his name often quoted in the local media when police matters are discussed, but most would not recognize him by sight. And no one knows he's

an attorney.

But Washtenaw Sheriff's Department Commander David Egeler takes it in stride.

"I consider myself a jack of all trades," Egeler says. "I am the commander of the support

services division at the Sheriff's Department and I like that. It's a real hodge podge of activity and I'm always involved in a little bit of everything.

"I enjoy public information and dealing with the media. I also am involved in law suits against the department and other duties. My job is challenging in many different ways and never routine."

Egeler is easy going and patient, perhaps because he spent his youth in the slower paced atmosphere "up north" in Leland. "My dad published the Leelanau Enterprise newspaper with my grandfather and, later in life, he was the township treasurer. I graduated from Leland High School in 1979 and then came down here to attend the University of Michigan."

Egeler then immediately entered the University of Detroit School of Law graduating in 1986 along with his twin brother Dan. The pair car pooled to their classes.

"During law school, I began to volunteer as a reserve with

the Sheriff's Department and worked in the marine division during summers. I had an interest in criminal law in my first month of law school but I wasn't sure if I wanted to practice in that area. I figured working with the department would give me some exposure."

Egeler admits that he liked law school but wasn't at all sure he wanted to practice law. While he remained on the reserve force, he worked in corporate law and management after graduation first for Gallup Silkworth and then for Recovery Specialists in Ypsilanti.

"After six years, while continuing to work part-time for the Sheriff's Department, I realized that I wanted to practice criminal law 'at the street level' so to speak, and not in the courtroom. In 1992, I went fulltime as a deputy."

Egeler attended the police academy and began his fulltime law enforcement career on the road patrol for three years.

(continued on page 4)



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# How the Help America Vote Act of 2002 is not helping America

In response to the debacle of the 2000 presidential election, Congress passed the Help America Vote Act, which set standards for federal elections and provided money for states

lems that have plagued recent elections.

The provision of HAVA most at issue in this election is the requirement that states build statewide, centralized electronic voter registration lists from the county lists that have been in use until now.

Over the last few years, state officials across the country have been working to match county registered voter lists with motor vehicle and other state records to verify the accuracy of the county information and purge those voters whose data do not match, or who have died, moved out of state, or become ineligible for other reasons.



## ON POINT

By Catherine McClure

to improve voting procedures by, among other things, creating a centralized database of voters and upgrading those crazy hanging-chad voting machines.

Unfortunately, the election of 2004 and the run-up to this election give us ample evidence that further reforms are needed in voting laws and procedures across America.

In 2004, the problem was provisional ballots. In 2008, lawsuits are being filed in Michigan and across the country over voter registration procedures, with Democrats claiming that irregularities result in voter suppression and Republicans claiming voter registration fraud.

As a result, voter confidence in the process is plummeting and further reforms are clearly needed.

The reform proposals put forth in 2005 by the Commission on Federal Election Reform, headed by former President Jimmy Carter and former U.S. Secretary of State James Baker, should be given further consideration in this regard.

In particular, the commission report calls for the nationwide institution of nonpartisan election officials and a system of universal voter registration. Together these reforms would go far toward solving prob-

lems that have plagued recent elections. Unfortunately, problems are popping up in many states because of errors in the databases used to check the registrations. Typographical errors by government officials, computer errors, and the use of nicknames or middle initials in different databases will all cause a voter to be flagged as ineligible.

In Wisconsin for example, officials say that one in five voters are flagged due to discrepancies in middle initials, birth date and spellings. A 2004 audit by New York City election officials found more than 80 percent of match failures were the result of errors by government workers, and most of the remaining discrepancies were immaterial.

In Ohio, the Secretary of State refused to provide a list of mismatches to local election officials for use in purging their rolls, insisting the inconsistencies were clerical in nature.

The state Republican Party sued and took the case all the way to the U.S. Supreme Court, which avoided the issue by ruling last month that HAVA does not provide a right of action for private entities like the Ohio GOP.

A New York Times investigation published a few weeks ago uncovered other irregularities in state efforts to centralize voter rolls under HAVA. The paper claimed that tens of thousands of eligible voters in at least six swing states have been illegally removed from rolls or blocked from registering.

The story alleged that Michigan officials violated the National Voter Registration Act or 'Motor Voter Law,' by purging tens of thousands of voters from the rolls within 90 days of the election, which is not allowed unless the voter has died, notified authorities of a move, or been declared unfit to vote.

Secretary of State Terri Lynn Land has denied the allegations.

In the meantime, U.S. District Court Judge Stephen Murphy ruled that the state violated other provisions of the Motor Voter Law in purging voters and ordered thousands of newly registered voters' names restored to the rolls.

A record 7.47 million voters, equaling 98 percent of Michigan's voting population, have registered to vote in this election, due largely to an unprecedented Democratic effort to get

out the vote, here and across the country.

As a result, Democrats claim that registration problems are falling disproportionately on their voters as partisan election officials try to suppress the Democratic vote.

Republicans counter that questionable voter registration efforts by partisan organizations are resulting in voter fraud.

The subsequent lawsuits, so colored by partisan attacks, are destroying voter confidence and undermining the credibility of the voting process.

The bottom line is that more drastic election reforms are needed.

The 2005 report by the Commission on Federal Election Reform calls for the institution of nonpartisan election officials to discourage both voter fraud and voter suppression. It also calls for movement toward a universal voter registration system, used in most democracies around the world, which would involve automatic registration upon graduation from high school, application for a driver's license, payment of taxes, or the like.

A universal and automatic registration system would

reduce many of the administrative problems associated with voter-initiated registration, made more problematic by the involvement of partisan registration organizations and political parties.

While this is an ambitious reform, the current level of voter mistrust presents a true crisis that calls for such measures.

After 2000, 2004 and now 2008, we really cannot afford another election cycle so colored by controversy over its integrity.

*Columnist Cate McClure is an Ann Arbor-based legal affairs writer who practiced law with major firms in Los Angeles, Chicago and Ann Arbor, and has also served as an adjunct professor of law in the business schools of Michigan State University and the University of Michigan.*

*McClure received a B.A. and M.A. from the University of Michigan, and a J.D. from the University of California, at Berkeley. You can contact her at [mcclur@umich.edu](mailto:mcclur@umich.edu) or visit her blog at: <http://legalnewswatch.blogspot.com>*

## November 18

### LSSCM honoring those with more than 25 years

Legal Services of South Central Michigan is honoring board members, the executive director and staff with 25 years or more service to the community including:

Charlie Borgsdorf, Board Member Washtenaw County;  
Ella Dickerson, Board Member Monroe County;  
Bob Gillett, Executive Director;  
Bill Godfroy, Board Member

Monroe County;

Lani Hiller, Legal Assistant Lansing office;

Hon. Carlene Walz Lefere, Board Member Jackson County;  
Blondeen Munson, Receptionist Ann Arbor office;

Jack Taylor, Paralegal Monroe office.

The event will be held on Tuesday, Nov. 18, 5:30 p.m. to 8 p.m., at Washtenaw Commu-

nity College, Morris Lawrence Building.

There will be hors d'oeuvres, drinks, and light entertainment and a short program at 6:15 p.m.

For more information, call 994-4912.

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### Cox announces Pfizer judgment

Attorney General Mike Cox recently filed a stipulated judgment with Pfizer Inc. resolving a five-year investigation concerning Pfizer's promotion of two prescription drugs: Celebrex® and Bextra®.

The judgment, filed in Ingham County Circuit Court, will largely restrict Pfizer's ability to deceptively promote its products.

In addition, the judgment requires Pfizer to pay a total of \$60 million to be divided among the 33 states involved in the settlement.

The multi-state investigation was initiated in 2003 to determine whether Pfizer misrepresented that their drug, Celebrex, was safer and more effective than traditional non-steroidal, anti-inflammatory drugs

(NSAIDs) such as ibuprofen (Advil®) and naproxen (Aleve®).

As the investigation proceeded, additional concerns were raised regarding Pfizer's second generation drug, Bextra.

Ultimately, the investigation concluded that Pfizer engaged in an aggressive, deceptive, and unlawful campaign to promote Bextra "off label" uses that had been expressly rejected by the Food and Drug Administration (FDA).

Since 2003, Cox has recovered more than \$82 million from pharmaceutical companies.

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## Start your fall menu with a long draught of grog, moving on to squash soup and garlic bread

The leaves are on the ground, frost is gaining strength and menus for guests are awaiting your magic.

For me, dinner in front of the fireplace is just right this time of



**Kitchen Accomplice**  
By John Kirkendall

year. It does not have to be on TV trays but instead with all the lightweight tables available, a table can be set in front of the fire in comfort, complete with tablecloth, candles and place cards.

Strictly casual but your setting will be strictly beautiful.

Make sure you have enough comfortable chairs at the table to handle those on the guest list. Smaller is better. This will be a fun night and a relatively simple one to put together.

For the evening, you may wish to consider wines, a hot grog, and a concluding enhanced hot coffee drink. A hearty soup will take care of the entrée and a Parmesan garlic bread, toasted to perfection under the broiler, will be the perfect accompaniment.

I would keep this country-simple. No crudités and no salad.

### Grog

The word "Grog" originally referred to a drink made with

water (or weak beer) and rum, which was introduced into the English Royal Navy in 1740.

Modern versions of the drink are often made with hot or boiling water, and sometimes include lemon juice, lime juice, cinnamon or sugar to improve the taste.

Rum with water, sugar and nutmeg, known as "bumboo," was more popular with pirates and merchantmen.

Here is one I like to use on such occasions—to the delight of my guests. Your guests might enjoy this variation on the usual country club first round.

#### Ingredients

- 1 1/4 oz fresh squeezed lime (2 limes)
- 1/2 oz grapefruit juice
- 1 1/4 oz simple syrup (sugar and water boiled together in equal portions)
- 2 oz Pusser's Navy Rum (blue label)
- 1 oz Cruzan Black Strap Rum

#### Preparation

Heat the first three ingredients. Put all the ingredients except the black strap into a mug.

Stir with a peppermint stick. Top with black strap rum. Add lime shell and mint sprig.

### Soup for a frosty evening

This velvety soup pairs the gentle flavor of sautéed leeks with sweet, roasted squash.

Topped with a dollop of sour

cream and a few caramelized apple croutons, it embodies everything cozy for the frosty evenings ahead.

#### Ingredients

- 2 1/2 lbs squash, halved lengthwise, seeds removed
- 2 1/2 tablespoons unsalted butter
- 2 large leeks, white and tender green parts, chopped
- 1/2 teaspoon dried thyme
- 2 1/2 cups vegetable broth or vegetarian chicken broth
- 3/4 teaspoon salt
- 1/2 teaspoon fresh ground pepper
- sour cream, if desired (to garnish) (optional)
- 1 tart green apple, Granny Smith or from your orchard
- 1/4 cup light brown sugar

#### Preparation

Preheat the oven to 350 degrees. Place the squash, cut side down, on a baking sheet and bake until tender, about 40 minutes. Let cool slightly and gently scrape or cut squash away from skin). Set aside.

Melt butter in saucepan over low heat. Add leeks and thyme and stir occasionally until soft and brown, 10-15 minutes.

Stir in the stock and the squash and simmer over medium

heat for 20 minutes.

Using an immersion hand blender, puree the soup directly in the pot until smooth. Alternatively, puree the soup in batches in a standard blender or food processor.

Season with salt and pepper and top with sour cream and caramelized apple croutons

#### To make the croutons:

Peel and core apple and halve lengthwise.

Using a mandoline or a very sharp knife, cut apple into very thin slices.

Line a baking sheet with parchment paper and spread one layer of apple slices on top.

Sprinkle with brown sugar.

Bake slices for 20 minutes at 350 degrees until crisp.

Transfer to cooling racks and let cool completely.

### Parmesan Garlic Bread

#### Ingredients

- 1/2 cup unsalted butter, softened (1 stick)
- 1 to 2 large cloves garlic
- 1 tablespoon basil, finely chopped
- 1/4 cup Parmesan cheese
- 1 sixteen ounce Italian bread loaf or French baguette

#### Preparation

Run the garlic through a garlic press. If you don't have a garlic press, mash it with the back of a wooden spoon and mince.

Combine the garlic, butter and basil in a bowl.

Cut the bread in half lengthwise.

Spread the butter over each half of the bread.

Place on a baking sheet and bake in a pre-heated 350 degree oven for 10 minutes.

Remove from the oven and sprinkle with Parmesan cheese.

Return the bread to the oven and broil for 2 or 3 minutes until the cheese has melted and the edges of the bread are toasted.

*Judge Kirkendall is a retired probate judge.*

*He has taught cooking classes for more than 25 years at various cooking schools in the Ann Arbor area and has himself attended classes at Cordon Bleu and La Varenne in Paris, as well as schools in New York, New Orleans and San Francisco.*

*He is past president of the National College of Probate Judges and can be reached at Judgejnk@yahoo.com.*

## Car-deer collision season is here and experts warn not to swerve

With the arrival of fall, motorists should be more aware of deer while traveling on Michigan roadways.

October and November are two of the highest months for reported deer-vehicle crashes in Michigan, while the state has seen increases in these accidents during the past two years.

"Car-deer crashes in Michigan cause at least \$130 million in damage annually, with an average cost of \$2,100 per vehicle," said Michigan Deer Crash Coalition (MDCC) Chair Jack Peet.

Last year, there were 61,907 reported car-deer crashes in the state, up from 60,875 reported the previous year.

However, the coalition notes that as many as half of all car-deer crashes may not be reported, so actual numbers may be much higher.

Last year, 11 motorists lost their lives in car-deer crashes, while another 1,614 persons were injured. In 2006, 12 motorists were killed and 1,676 were injured in similar crashes.

Kent County once again topped the state's counties in number of car-deer crashes at 2,071. The remaining top four were Jackson (2,030); Oakland (1,876); Calhoun (1,802); and Ingham (1,689).

Washtenaw County reported 1,169 car-deer crashes out of a total of 10,787 automobile crashes.

Motorcyclists are particularly vulnerable when involved in collisions with deer.

Seven of the 11 traffic fatalities involving deer in 2007 were

motorcyclists. In 2006, nine motorcyclists died in deer-vehicle crashes.

Although motorists should be aware of deer at all times, 80 percent of all car-deer crashes occur on two-lane roads between dusk and dawn.

The coalition reminds drivers that they should not swerve to avoid hitting a deer.

Police statistics show that most motorist deaths and injuries occur when drivers swerve to avoid hitting the deer and strike an object, such as a tree or another vehicle.

If a crash with a deer is unavoidable, the coalition recommends drivers:

- DON'T SWERVE!
- Brake firmly.
- Hold onto the steering wheel with both hands.
- Come to a controlled stop.
- Steer the vehicle off the road.

—Be alert all year. Watch for deer especially at dawn and dusk, when deer are most active.

—If you see a deer, approach cautiously, as there may be more out of sight.

When startled by an approaching vehicle, deer can panic and dart out from any direction without warning.

—Always slow down when traveling through heavily populated deer areas.

Copies of the MDCC brochure, "Don't Veer for Deer," are available free at <http://www.michigan.gov/ohsp> (click on Traffic Safety Materials); call (517) 333-2722; or email [trafficsafetym@michigan.gov](mailto:trafficsafetym@michigan.gov).

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# Events Calendar

For the most up-to-date calendar of Washtenaw County Bar Association events, visit the WCBA Web site at [www.washbar.org](http://www.washbar.org).

## OCTOBER 31

"Due Process," WTVS, Channel 56, Detroit.  
5:30 p.m.

Host Henry Baskin interviews Lynn Alexander, president and CEO of "Your Aging Well Advisor," and certified elder law attorney Douglas C. Chalgian of Chalgian and Tripp Law Offices, PLLC.

Also contributing is guest Peter A. Lichtenberg, Ph.D., ABPP, Director of the Institute of Gerontology at Wayne State University.

Due Process airs weekly on channel 56, WTVS on Friday at 5:30 pm. The program can also be viewed anytime at <http://www.dueprocess.tv/> or via Comcast's on-demand service.

Hosted by well known attorney Henry Baskin, "Due Process" welcomes leading attorneys, noted experts, and prominent public figures. The mission of the half-hour weekly program is to provide the public with simple and helpful information about common legal issues and

processes.

The program is funded through the generous contributions of Meade Lexus and Thomas Cooley Law School.

## NOVEMBER 7

Labor and Employment Law Section meeting.

Noon, Arbor Brewing Company, Tap Room.

"New IRS Code Section 409A: What Every Employment Lawyer (And Their Clients) Need To Know," with Sue Ellen Eisenberg, Lana Panagoulia, and Larry Ferguson.

## NOVEMBER 11

County Offices Closed.

## NOVEMBER 13

Retirement Dinner Celebration for Judge Ann Mattson and Judge John Collins.

5:30 p.m., Weber's. Buffet Dinner.

## NOVEMBER 15

"Rockin' the Casa," a benefit for the Court-Appointed Special Advocate (CASA) volunteer program that serves neglected and abused children in Washtenaw County.

7 to 11 p.m., Washtenaw Farm Council grounds.

See [www.casawashtenaw.org](http://www.casawashtenaw.org) for more information or for credit card ticket orders.

## NOVEMBER 18

Legal Services of South Central Michigan is honoring board members, the executive director and staff with 25 years or more service to the community including:

Charlie Borgsdorf, Board Member Washtenaw County;

Ella Dickerson, Board Member Monroe County;

Bob Gillett, Executive Director;

Bill Godfroy, Board Member Monroe County;

Lani Hiller, Legal Assistant Lansing office;

Hon. Carlene Walz Lefere, Board Member Jackson County;

Blondeen Munson, Receptionist Ann Arbor office;

Jack Taylor, Paralegal Monroe office.

5:30 p.m. to 8 p.m., Washtenaw Community College, Morris Lawrence Building.

For more information, call 994-4912.

## DECEMBER 11

Annual WCBA Holiday Wine Tasting.

5 p.m. to 8 p.m. Paesano's.

## Egeler sought out law on the street, not in courtroom

(continued from page 1)

He then took over the marine division fulltime overseeing the dive team and all marine response calls. In 1999, he was promoted to sergeant and then to commander in 2001.

He noted that there are four commanders and one undersheriff at the department. Commanders oversee the road patrol division, the jail, dispatch and support services.

"As commander of support services, I serve as a catch all. In addition to media contacts, I am the point of contact for all litigation, all outside counsel for litigation. I also am involved in risk management, policy drafting and compliance, and the marine division still reports to me as do the front desk staff and property and evidence people."

Egeler, acknowledging that his brother has made a career of corporate law, easily explains why he chose a different path.

"What I discovered, as most cops will tell you too, is that the law enforcement bug is hard to ignore.

"At the street level, as a deputy, I saw immediate results as far as my actions impacting on society. As a kid up north, I volunteered with the Red Cross. That's how I was brought up. My dad and grandfather both served on volunteer fire departments so I was exposed to public service from the beginning.

"When I came down here, I continued to stay active with the Red Cross. I had that undertone in my life and as I worked part-time with my marine safety work, I saw immediately how you can help people in public service in a very personal way. I realized at some point that that was as important to me and

much more satisfying than the courtroom side of things.

"Not to belittle that and the impact that litigators have, but you just don't get that instant gratification as you do when you help someone out on the street."

He adds that law school is an excellent background for police work.

"You have to deal with people and size them up quickly and how reliable their information is. That makes a big difference to your safety and that of the community. Like preparing a case, you have to be able to communicate well with the bad guy, the victim, witnesses.

"You need to solicit and elicit information and then evaluate it as you determine if a crime has occurred and then build the case. You have to recognize and protect evidence and then preserve it. You must do it right and when you do, that provides a lot of gratification.

"Even as a road patrol deputy or as a shift sergeant, you can suddenly find yourself choreographing a major crime scene until detectives take over. That's what cops should be in this job for. To see what you need to do to do it right.

"As a shift sergeant, you have the chance to have an impact on the training of new officers, molding their careers, counseling them over the rough spots.

Egeler is very proud of the work he's done in the last 8 years as a commander with the Sheriff's Department. "It has provided me with invaluable experience and training in managing a large law enforcement agency."

But when all is said and done, "being involved with making a positive impact on peoples'

lives" is the ultimate goal in law enforcement Egeler says.

"That is the ultimate purpose and one that truly impacts another individual."

Married and with two children, Egeler, in his spare time, pursues an unusual hobby with his brother: the restoration of antique fire trucks.

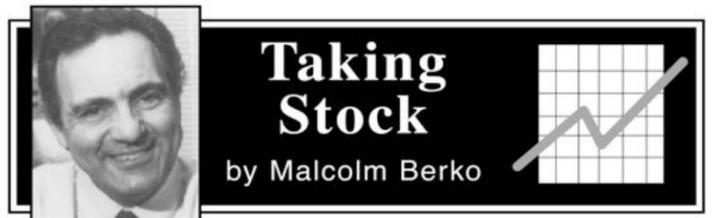
"Since my dad and grandfather were volunteer firemen, Dan and I grew up around the mystique of the fire engine. Some kids are just captivated by them from an early age and that was the case with us.

"In 1999, we became actively involved in restoration when we acquired a 1947 truck that my dad had learned on.

"We tracked the model down in the Upper Peninsula and then restored it. We own seven now and show them at various antique fire truck musters around the Midwest. That is my hobby and distraction. It's fun and creative to try to find the parts you need to repair an 86-year-old fire truck," he said.

Egeler is president of the South East Michigan Chapter of the Antique Truck Historical Society, a national organization of over 70,000 antique truck enthusiasts. He and his brother actively organize and participate in antique truck shows and fire musters.

"It's really important to restore and showcase these living pieces of history," Egeler adds, "We have a rich automotive heritage in Michigan, and people really love watching and learning from these relics."



## Time is short for Circuit City

**Dear Mr. Berko:** I recently bought 3,000 shares of Circuit City at 90-cents a share as a speculation. If I made a mistake do you think I should sell the stock? And now that some of the dust seems to have settled in the market what do you think about the American consumer and the state of the American economy over the next few years?

**D.L., Wilmington, N.C.**

**Dear D.L.:** I've begun to notice a new feeling among people working at banks, department stores, restaurants and folks employed in the service industry. They've almost become friendly. I said "almost" because it's been so long since a store clerk has been friendly I've forgotten what it's like. I spoke with a customer service representative at Bank of America headquarters and I felt care in his voice. I spoke with the order desk at Charles Schwab and the lad there made me feel as if my call was meaningful to him. Ditto at Bloomingdales and even at Shell where I buy gas for my car I got fast, efficient and courteous self service with a smile.

Watch for these changes. People are becoming nice again perhaps because the excessive hubris of the past dozen years has boomeranged and the chickens have come home to roost. Perhaps people are becoming nice again because most of us are sailing on the same boat with shipmates who have been gored by the same Wall Street bull and the same Washington ox. Perhaps folks are becoming nice again because they realize the economy is in a recession, that it's going to get a lot deeper and they're concerned about keeping their jobs, their homes, health insurance and food on the table. Perhaps people are becoming nicer because our common sense genes now prevail over our consumption genes and that conspicuous consumption and convenience technology have never contributed to the quality of our lives.

And perhaps we are becoming nicer because we're learning how to talk rather than text, to make lemonade from real lemons and that coke is now a beverage of choice not nose candy. I think we're becoming nicer because we recognize the desire to return to basics when common sense and happiness were renewable resources, the importance of friends and the need to wean ourselves from a culture of leisure and

debt to a culture of thrift and sweat.

It may have taken the collapse of Wall Street, the implosion of the mortgage markets and the decimation of our banking system to bring us back to being good neighbors again. In the coming years, as the economy contracts, businesses will close, restaurants will get out of business, traffic will be lighter, retailers will shorten hours, personal incomes will fall and demand for goods and services will decline. But the successful retailers will be those who are consumer oriented, who give personal service, personal commitment, who demonstrate real appreciation for your business and want you to be pleased enough to recommend a friend to their establishments.

But this excludes a big box store like Circuit City (CC-86-cents), which is antithetical to all the above from becoming part of the new America. This \$11 billion revenue company hasn't made a profit since World War 11 (not that long, really) and management believes that customer commitment ends with the sale and that customer service is for wimps. However, I think fewer consumers are making big-ticket purchases for entertainment centers, 6-foot television sets, fancy hi-tech electronics, stereos and high-end, ritzy video/audio equipment.

I think management's decision to open 50 new stores in fiscal 2008/2009 ranks up there as one of the dumbest decisions in American corporate history since the production of the Edsel. Moreover, CC's cash position has crashed some 70 percent and I can't fathom a single compelling reason to be optimistic. Now, that said: I'd not sell your 3,000 shares. The company has less than \$60 million in debt and a book value of a few pennings over \$5. This company is worth more dead than alive. Pray its idiot CEO Philip Schnoover pulls the plug now, rather than continue building up losses that will erase book value. CC, in my opinion, is doomed.

Please address your financial questions to Malcolm Berko, P.O. Box 1416, Boca Raton, FL 33429 or e-mail him at [malber@comcast.net](mailto:malber@comcast.net). To find out more about Malcolm Berko and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate website at [www.creators.com](http://www.creators.com).

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WASHTENAW COUNTY LEGAL  
NEWS

# Bias Awareness Week concludes with large audiences at all events

(continued from page 1)

noted that King was “a contemporary of mine.

“He was a kindred spirit, a hero. I remember in the fifties and sixties when he was raising that gallant fight for civil rights. When he spoke on Aug. 28, 1963, his ‘I Have A Dream’ speech, he often would refer to freedom and justice, justice in particular.

“That’s what he was about and that’s what we are about. I can tell you the quality of justice in our country and in our criminal justice system depends upon efficient and effective functioning of the entire criminal justice system.

“All the major components: the police, prosecutor, defense, courts, corrections. We are all interrelated and have to be coordinated. We have to collaborate and cooperate at the same time to fulfill our respective missions within the adversarial system.

“We are fighting like gladiators in our system,” Powell said.

“Justice is fighting zealously so that a defendant gets what they merit and, if on the other side, what they deserve. But always on the basis of fact, truth and accuracy and always assessed and judged by moral standards of fairness, equity, consistency and reason.

“That’s what we fight zealously to achieve.”

Powell noted that the criminal justice system has deficiencies “because imperfect human beings must make it work.

“Sometimes scientific evidence is inaccurate or corrupt. Sometimes there is an abuse of authority. And then there is conscious and subconscious bias. There is false testimony and false confessions.

“But the biggest one of them all in terms of deficiencies is just sheer human error. Witnesses who have undergone a traumatic experience, tell what they think they saw or heard.

“But if they make a mistake, from that beginning the mistake is carried over so that an innocent person may be charged, convicted and punished for something they didn’t do.

“At the same time, the person who is truly guilty escapes punishment all together and is still out there harming the community. That’s the double tragedy we fight to avoid,” he said.

“I am so appreciative of this great country of ours. When I look back on human history, there have always been wars and whoever was a victor took the life or the freedom of the vanquished or took their property.

“But our founders made that Declaration of Independence that all are created equal and endowed with inalienable rights and that among these are life, liberty, and the pursuit of happiness.

“Brian is right. I am wholly, fully, totally and completely committed to our Constitution because I think those principles enshrined in our Constitution are the bedrock of our country.

“They define us as a people and set our course when we have the right leadership nationally. And they set a legacy for all the world to emulate: fairness, equity, freedom and justice,” Powell concluded.



The Ninth Annual ENPACT Public Forum was held on Wednesday last week and organizer Lloyd Powell stated that perhaps the largest audience ever attended. Guest speaker at the event was Isaiah McKinnon, former Detroit police chief, educator and author.

—Legal News Photos by Frank Weir



Above, Isaiah McKinnon delivered the keynote address at the Ninth Annual ENPACT Public Forum last week.

On the right, Sheila Blakney, SiRui Huang, Mike Gatti, and District Court Judge J. Cedric Simpson, l-r, chatted briefly after the Bias Awareness Week Award Dinner on Thursday.



Above left, District Court Judge Ann Mattson spoke with Kym Worthy before the Bias Awareness Week Award Dinner last Thursday. Above right, WCBA President Karen Quinlan Valvo said hello to Mary Morgan during the dinner. Morgan was with the Ann Arbor News for 12 years, most recently as opinion editor and before that as business editor and initially as business reporter. With her husband David Askins, Morgan has launched The Ann Arbor Chronicle, an online only local news and information site with content published daily. The site’s address is [www.annarborchronicle.com](http://www.annarborchronicle.com). Morgan and her husband launched the venture on Sept. 2.