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DAILY BRIEFS

Cinema, law in court's ruling on corruption

BURTON, Mich. (AP) — An appeals court is mixing law with the silver screen in upholding the conviction of a former public official near Flint who accepted land from a developer.

A lawyer for Charles Gary-Don Abbey says U.S. prosecutors failed to show that the lot was tied to a specific favor. But three judges on the appeals court quoted law and dialogue from "The Godfather" in saying an unspecified future benefit is enough.

Abbey, the former Burton city administrator, has been free while appealing his 2007 corruption conviction. His lawyer said Friday he'll work to keep Abbey free while trying to get the full appeals court or the U.S. Supreme Court to take the case.

The developer pleaded guilty in state court to bribing another Burton official.

Desmond Tutu to speak at MSU graduation

EAST LANSING, Mich. (AP) — Michigan State University says South African activist and Nobel Peace Prize winner Desmond Tutu will speak at the school's undergraduate commencement ceremony May 8.

The East Lansing school says it's giving Tutu an honorary doctorate of humane letters. Past honorees include Nelson Mandela, Coretta Scott King and Maya Angelou.

Tutu is the retired Anglican archbishop of Cape Town and became the first black general secretary of the South African Council of Churches in 1979.

He won the peace prize in 1984 for efforts to use sanctions and other nonviolent tactics to end white minority rule in his homeland.

Admission to the ceremony at the Breslin Center is free and open to the public.

WSU Law lecture on U.S.-Cuba relations

Wayne State University Law School and the Wayne Law International Law Student Association are hosting a lecture by Jake Colvin of the National Foreign Trade Council from 12:15 to 1:20 p.m. tomorrow in the Spencer M. Partrich Auditorium. The lecture is titled "The Last Throes of the Embargo? What changes in Washington and Havana mean for the future of U.S.-Cuba relations." The lecture is free and open to the public. Parking is available for \$3.50 in parking structure #1 across from the Law School on West Palmer Street. For additional information regarding this event, contact the Wayne Law International Law Student Association via e-mail at sonia.a.salah@gmail.com.

Bar Assoc. Corporate Counsel Breakfast

The D. Augustus Straker Bar Association will present the 2009 Corporate Counsel Breakfast on Tuesday, April 7, from 7:30 to 10 a.m. at the Skyline Club located at 2000 Town Center in Southfield. This event is co-sponsored by the State Bar of Michigan's Young Lawyers Section. Cost to attend is \$25 for general admission and free for paid Straker Bar members. To register or for additional information, contact Lindsay Bonkosky at Lindsay.Bonkosky@specialcounsel.com or (248) 524-9131.

Notice to the Public

The Third Circuit Court Civil, Criminal and Family Divisions will close at noon on Friday, April 10, 2009, in observance of Good Friday.

The Wayne County Probate Court will close at 12:00 noon in observance of Good Friday on Friday, April 10, 2009, and will reopen on Monday, April 13, 2009, at 8 a.m.

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In Chach's Honor



The Armenian-American Bar Association (AABA) and the Armenian Engineers and Scientists of America - Michigan section held a joint meeting Monday, March 30, at AGBU Alex & Marie Manoogian School in Southfield. The meeting was held in memory of former AABA board director, retired Third Judicial Circuit Court Judge Kaye "Chach" Tertzag.

Marjorie Nanian (second from right) presented the Tertzag family with a certificate noting that a tree was planted in "Chach's" honor in Armenia by AABA board members. Accepting the certificate were (l-r) Kara Tertzag of Ford Motor Company, Kathy Tertzag, Kyle Tertzag; and Craig Tertzag.

Photos by John Meiu

Welcoming guest speaker Steven J. Matz (second from right) of Matz & Rubin, who discussed "Climbing Mt. Ararat," were (l-r) Kathy Ossian of Miller, Canfield, Paddock, & Stone PLC; Novi attorney Marjorie Nanian; Susan Gasparian of Susan A. Gasparian PLLC; and Mark Kaylian of Kupelian, Ormond, & Magy PC.



Pursuit of Justice

Attorney relates shocking history of female prisoners sexually assaulted by guards

By FRANK WEIR
Legal News

In spite of two multi-million dollar jury verdicts, upheld by the state's Court of Appeals (and one case settlement in 2000), Michigan authorities "continue to refuse to accept responsibility" for female prison inmates who have been sexually assaulted by male prison guards and other male authority figures at its women's prisons, according to Ann Arbor attorney Molly Reno.

Reno, one of the 10 members of the "Neal Legal Team," that has pursued *Tracy Neal v. Michigan Department of Corrections* for 13 years spoke at a combined Washtenaw County Bar Association and Women Lawyers Association of Michigan Washtenaw Region dinner meeting recently.

Other attorneys on the Neal team from Ann Arbor include Richard Soble, Deborah LaBelle, Patricia Streeter and Shannon Dunn; and Royal Oak attorneys, Cary McGehee, Michael Pitt, Peggy Pitt, Ronald Reosti and Ralph Sirlin.

The case involves more than 530 female inmates, Reno noted, adding that 18 plaintiffs have been awarded almost \$24 million after two jury trials. The first trial held in Washtenaw County Circuit Judge Tim Connors' court last year, resulted in a \$15.5 million judgment.

The state Court of Appeals upheld the verdict in January of this year.

"The state still refuses to accept responsibility for a wide-spread problem and looks to the appellate courts for relief from the jury verdicts," Reno said.

"Gov. Jennifer Granholm was attorney general during the beginnings of the Neal case," she said. "In spite of that, we had hoped that, after her election, the state's approach to the case might change but we have not seen an appreciable difference."

In fact, Reno said, Granholm was one of just a handful of state Democrats who supported a



Photo by Frank Weir

Attorney Molly Reno of the Neal Legal Team pursued a case against the Michigan Department of Corrections for 13 years.

Department of Corrections proposal in 1999 to amend the state version of the Elliott-Larsen Act to exclude prisoners from act coverage.

The legislation passed.

"So prisoners no longer have access to state courts to enforce civil rights violations by their government. The legislation attempted to retroactively apply denial of civil rights to the Neal case which was filed four years earlier," Reno said. "That provision was struck down by the appellate courts."

Reno went on to catalogue a shocking history of denial and recalcitrance by the state through its Department of Corrections dating to the early 1990s:

— the state failed to implement recommen-

ations to prevent staff sexual misconduct after a random survey by the Michigan Women's Commission in 1992 revealed that fully half of the women interviewed said they had been sexually groped by male guards;

— the state denied access to the facility when requested by the U.S. Department of Justice in 1994 when it began an investigation after numerous complaints;

— the state did not implement the recommendations of the Department of Justice despite their report which said that nearly 100 percent of the female inmates interviewed reported being treated in a sexually aggressive manner by guards (the Department of Justice filed suit against the state in 1995);

— the state did not implement recommendations made by the international Human Rights Watch which conducted a 1997 investigation that concluded there was wide-spread sexual abuse and subsequently reporting in 1998 on retaliation by prison personnel against inmates who participated in earlier investigations;

— the state denied access in 1998 to a special United Nations' investigatory team looking into prison abuses in seven states including Michigan.

"Then Gov. John Engler wrote a letter to the head of the United Nations team saying that he viewed the request as an 'attempt to discredit the state of Michigan in spite of objective evidence that there has been no violations of civil or constitutional rights. This is an unnecessary investigation and I can't allow the state to cooperate.'"

"Think about this. Our state refused access to the United Nations," Reno said. "So we had five different organizations, since there was another report by a state legal group, at state, national, and international levels.

"Yet the Department of Corrections exhibited a bunker mentality from the beginning.

"They have used the fences and walls of the prison to keep the public, the press, and public agencies out, so we can't see what it has been

Wayne County Circuit Family Division opens work lounges Attorneys able to work on-site

By TARYN HARTMAN
Legal News

In response to requests from local attorneys, the Family Division of Third Judicial Circuit Court today opens two work lounges for attorneys, one in the Coleman A. Young Municipal Center and another at Wayne County Friend of the Court in the Penobscot Building.

"It was something the private bar had been asking for, and the court is happy to be in a position to provide that," said Doris Ryans, deputy court administrator for the Third Circuit's domestic division. She added that the court's hope in establishing the lounges is that they will improve court efficiency by helping expedite the domestic division's 230,000 open cases.

Both lounges are equipped with computers and printers and enable attorneys to do work on-site, like preparing court orders, that the previously would've had to do in their offices.

The technology available in the lounges will allow attorneys use the Michigan Child Support Formulas to calculate child support obligations and easily make changes to court documents instead of requesting an adjournment in a case to edit documents out of court.

"It'll be helpful to them but also provide better service to their clients," Ryans said of the attorneys who will now be able to utilize the lounges. "This is a work area to support them in the work that they do as attorneys representing their clients."

The lounges are located on the 7th floor, room 710 of the Coleman A. Young Municipal Center on Woodward, and on the 5th and 6th floors of Penobscot Building at 645 Griswold. Both are open 8 am-4 pm, Monday-Friday.

doing to our women prisoners," she said.

The widespread problem began, Reno said, after a suit was filed to allow female guards to work in male prisons. Prior to that, women officers could only work in the one women's facility, which limited their career opportunities given that there was just one female prison facility and 20 for male prisoners.

"After the lawsuit, the state inexplicably opened the women's facility to male guards even though men already could work in the 20 other prisons. Without adequate training, they were allowed to work in the shower and bedroom areas of the housing units.

"They were told it was a part of their jobs to pat down females, including their breasts at least five times a day. Women complained the pat downs included genital touching. The men were told it was their job to view women while they were taking showers, to physically pull back shower curtains.

"The director of the Department of Corrections at the time, Bob Brown, saw the danger and tried to oppose the change. He said if it was allowed, special training was needed concerning respecting the privacy of female inmates and about sexual harassment.

"He added that changes to the physical structure of the prison would be needed. But he was on his way out and his recommendations were not implemented," Reno said.

She said that guards were allowed to pick out which five women they would pat down on their shift but there was no upper limit on the number of women chosen to be patted down.

"This daily touching of women's bodies created a sexualized environment which led to sexual assaults, rapes in bedrooms, broom closets, attics, stairwells, all over the prison. Women were told they would not be believed since it would be their word against the staff.

"And the complaint system in place at that time required the inmate to approach the assailant first before a formal written com-

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