

Detroit Legal News

News you cannot get anywhere else.
www.legalnews.com

Vol. CXV, No. 144

Wednesday, July 21, 2010

75 Cents

PROFILE IN BRIEF

BY KATHRYNE GILBRIDE
Legal News

John Trentacosta Client Service All-Star



John Trentacosta

"Action speaks louder than words," said Mark Twain, "but not nearly as often."

Twain's quote holds true for Detroit attorney John Trentacosta whose books and actions speak loudly to clients, recently landing him on the BTI Client Service All-Star list. Attorneys receive this prestigious recognition based solely on unprompted feedback from more than 250 general counsels at Fortune 1000 organizations.

Trentacosta attributes his success to taking action and emphasizing client service in everything that he does.

"Whether you're handling a lawsuit, a business transaction, or any type of other legal project, first and foremost you are being hired to assist a client with a legal project and a legal need," says Trentacosta.

Another factor placing him on the elite list is his use of words. He is an esteemed and widely published author. Trentacosta was editor and contributing author of Michigan Contract Law and co-author and general editor of Michigan Legal Forms-Uniform Commercial Code, among many other publications.

"I like writing and I think that part of delivering good service to your client is showing that you have the skill set and expertise in the area they are hiring you for," says Trentacosta, "I've always had an interest in contract law and the Uniform Commercial Code and in order to enhance and develop my expertise in that area, and ultimately to convince clients that I had an expertise in that area, I thought one good way to do it would be to write a book."

As a partner at Foley & Lardner LLP, Trentacosta practices in the area of business, commercial, contract, international and litigation. He was the founder of Foley & Lardner's Automotive Industry Team, and is active in the firm's other business practice groups. An expert in the automotive industry, Trentacosta predicts business will succeed despite current economic conditions.

"I think Detroit will remain very important in automotive circles," says Trentacosta, "not necessarily as the center of manufacturing where there are factories and a lot of folks working on the assembly line. We are moving now towards more of the design and white-collar type presence."

In fact, the financial distress over the past three years has increased business for Foley & Lardner. Trentacosta particularly sees a future in supply chain law.

"The financial distress has kept our bankruptcy lawyers busy and also has exacerbated the tension and the problems in the supply chain such that there is more supply chain litigation and there is more focus on the strategies that the companies are employing as they develop advantages," says Trentacosta. "The automotive supply chain has created a lot of new legal issues, challenges and strategies that you have to develop."

In response to the automotive industry becoming an international market, Foley & Lardner opened offices in Brussels, Tokyo and Shanghai. Always putting his clients first, Trentacosta traveled to the Shanghai office to develop relationships and better service the international clients.

"It was fascinating — it's like New York on steroids," says Trentacosta. "The activity is

See **PROFILE**, Page 2

INSIDE DLN

Business News	2
Calendar	40
City Request for Bids	5
Classified Ads	4
Crossword	4
The Expert Witness	3
Legal Notices	5
Mortgages	4
U.S. Tax Liens	35



Blast from the Past

Law professor has passion for Michigan legal history

BY SHEILA PURSGLOVE
Legal News

Small marker — big history. A Michigan Historical Marker on a building near the northwest corner of Michigan Avenue and Wayne Road in downtown Wayne marks the site of a tavern owned by Stephen Gifford Simmons — where in 1830 the 50-year-old tavern keeper and farmer murdered his wife Levana in a drunken, jealous rage.

Simmons, whose children testified as to his guilt, became the second — and last person — to be executed under Michigan law in a case that led to the abolition to the death penalty in the state.

Small consolation for Simmons, who was born near Philadelphia where his parents were refugees from their native New York City during the American Revolution. In 1825, he moved with his wife and six children from upstate New York to the wild, unpopulated Territory of Michigan, a wilderness known mainly for its fur trade. He bought many properties but his homestead, and where he opened his tavern in 1826, was 80 acres about 16 miles southwest of Detroit where the Old Sauk Trail, now Michigan Avenue, crossed the Rouge River near Ypsilanti.

Simmons, who was constantly in trouble with the legal system, met his end on the gallows in a public hanging on Gratiot Avenue in Detroit, the territorial capital of just over two thousand inhabitants.

Law professor and history buff David G. Chardavoyne, who has written extensively on the legal history of Michigan's early years, gives a vivid historical account of the hapless Gifford's life and death in, "A Hanging in Detroit: Stephen Gifford Simmons and the Last Execution Under Michigan Law."

His book, published by Wayne State University Press and named a Michigan Notable Book of 2004 by the Library of Michigan Foundation, recounts the murder, Simmons' trial and execution, with fascinating details of people, social and legal customs tavern life, social life, farming and travel, in those bygone days.

Chardavoyne also chronicles Michigan's abolition of capital punishment. In 1847 the state of Michigan was the first English-speaking jurisdiction, and one of the first in the world, to abolish capital punishment. Today, the prohibition is part of the Michigan state constitution.

Chardavoyne, who loves to research untapped historical sources including court records, diaries, letters, census records, and rare legal documents featuring dramatic eye witness accounts, was the principal speaker at the bicentennial celebration of the Michigan Supreme Court in October 2005 addressing the first decade of the Michigan court.

Following the bicentennial commemoration, a comprehensive study, "The History of Michigan Law" was published; named a Michigan Notable Book, it won the Historical Society of Michigan's State History Award. Chardavoyne contributed the chapter "The Northwest Ordinance and Michigan's Territorial Heritage," in which he pointed out that Michigan was influenced heavily by New York and New England legal customs — much more so than were other Midwest states.

"I've always been fascinated by history, particularly about the stories and how they fit together," he says. "For me, the people in the

"I've always been fascinated by history, particularly about the stories and how they fit together. For me, the people in the past are as real as the people I know today."

— David Chardavoyne



Attorney David Chardavoyne has written extensively on intriguing cases in Michigan's legal history.

Photo by Robert Chase

past are as real as the people I know today.

"Research is like a good mystery novel, and I love spending hours online or up to my elbows in dusty archives trying to figure out who did what and why they did it, particularly if I discover an answer that is inconsistent with current beliefs. I find that, although human standards and morals may have changed over the centuries, basic human nature, motivation, and psychology remain remarkably consistent."

Chardavoyne, a member of the Board of

Trustees of the Historical Society for the U.S. District Court for the Eastern District of Michigan, is a frequent contributor to that organization's journal, The Court Legacy. The Historical Society has commissioned his current project, a history of the District Court, which will be published by Wayne State University Press in 2011. He has written several historical articles, including "Michigan Lawyers in History - George A. O'Keefe: Pioneer Irish-American Lawyer," for the Michigan Bar Journal.

Pitts appointed to chair Professional Ethics Committee

Stanley H. Pitts, a partner in Honigman Miller Schwartz and Cohn's Labor and Employment Department, has been appointed chair of the State Bar of Michigan's Professional Ethics Committee beginning Oct. 1 through Sept. 30, 2011. The Committee prepares written opinions regarding professional ethical conduct by request, recommends amendments to the Michigan Rules of Professional Conduct and other standards of professional conduct, as well as reviews proposed amendments. Pitts has served as a member of the Professional Ethics Committee since 2009.

Pitts is an experienced litigator whose practice primarily includes defending business owners confronted with federal and state

agency charges of unlawful employment discrimination, internal complaints of discrimination, whistleblower claims, family and medical leave act claims, other employment related claims and housing and lending discrimination claims.

He also provides counseling to employers on various issues and topics, including independent contractor status, prevention of hostile work environment and retaliation claims, disability and religious accommodations, waivers and releases, and severance agreements.

In addition to his position on the State Bar of Michigan Professional Ethics Committee, Pitts is a member of one of the hearing panels for the Bar's Attorney Disciplinary Board, a

member of its Labor and Employment section and a member of its District H (Wayne, Monroe and Lenawee counties) Character and Fitness Committee.

Pitts earned a J.D. from Wayne State University Law School and a B.S. in accounting from Wayne State University.



Stanley H. Pitts

DAILY BRIEFS

Fundraiser to be held for 36th District Judge Cylenthia Miller

The Lawyers Committee for Judge Cylenthia Miller of the 36th District Court, will hold a Fundraiser on August 5, 2010 at Finn & Porter Restaurant, 525 W. Lafayette, in the DoubleTree Guest Fort Shelby Hotel. Checks are payable to "Committee to Reelect Judge Cylenthia Miller." For tickets, contact co-chair attorney Jermaine Wyrick at (313)964-8950 or Attyjw1@Ameritech.net.

Judges Association seeks nominations for inaugural award

The Michigan Judges Association is beginning a program to recognize a current or former circuit and/or Court of Appeals judge(s) who demonstrates excellence in trial practice, scholarship, and service to the community and profession. The first annual award will be presented at the State Court Administrative Office Fall Conference in Lansing. Recipients will be chosen on the basis of competence in docket management and managing trials, contributions to the profession, contributions to legal scholarship, and/or contributions to the community.

Nominations will be evaluated by a blue-ribbon committee consisting of attorneys and both current and former judges. A nomination form may be downloaded and printed at www.michiganjudgesassociation.org. The nomination package should include the nomination form, the nominee's curriculum vitae/resume, and any supporting letters or

information. The deadline for submitting a nomination is July 30, 2010. Nominations may be faxed to Thomas Oatmen at 231-724-4587, emailed to him at oatmenth@co.muskegon.mi.us or mailed to:

Thomas G. Oatmen
Law Library, Sixth Floor
990 Terrace Street
Muskegon, 49442-3357

Questions may be directed to MJA Vice President Timothy G. Hicks at hicks@co.muskegon.mi.us or by phone at (231) 724-6337.

Lawsuit filed in 9-year-old boy's carbon-monoxide death

STANTON, Mich. (AP) — Former and current state workers are being sued in the death of a 9-year-old western Michigan boy who perished with his father and stepmother in a room filled with carbon monoxide.

The lawsuit claims Nicholas Braman's death could have been avoided if child welfare workers had removed him from his father's house.

Authorities say Oliver Braman killed himself, Nicholas and his wife in 2007, days after failing to appear for sentencing in a child-abuse case involving a cattle prod and other sons.

There is no dispute that Montcalm County authorities had urged child-welfare workers to remove Nicholas.

The lawsuit was recently filed in federal court in Grand Rapids by Nicholas' mother. The Department of Human Services declined to comment.

Official Newspaper:

- City of Detroit
- Wayne Circuit Court
- U.S. District Court
- U.S. Bankruptcy Court



■ **Taking Stock**
Malcolm Berko debunks gold traders
Page 2



■ **Legal Minds**
On measuring human capital
Page 3

■ Law Life

Lying about heroism on the battlefield is free speech
Page 39