



MACOMB COUNTY LEGAL NEWS



www.legalnews.com/macomb

VOLUME 67, No. 164

WEDNESDAY, AUGUST 17, 2016

ONE DOLLAR

AT A GLANCE

MDTC hosts annual golf tournament

The Michigan Defense Trial Counsel has scheduled its 20th annual Open Golf Tournament for Friday, Sept. 9 at Mystic Creek Golf Course and Banquet Center in Milford.

Cost is \$165 per person registered on or before Aug. 23 (\$175 Aug. 24 or later), or \$50 for dinner only.

The fee includes practice range balls, greens fees, card, deli sandwich lunch at registration and a tenderloin/chicken breast combo plate dinner at 5 p.m.

Trophies will be given for tournament champs, longest drive (men/ women), closest to pin (men/women) and winning four-some.

Registration begins at 9:30 a.m. for the modified scramble format event with the shotgun start at 11 a.m.

To register online, visit www.mdtc.org.

Thrice-widowed, woman on trial in death of husband No. 2

NEW ORLEANS (AP) — It was more than seven years from the time Ernest Smith, 38, died outside his New Orleans home in the spring of 2006 until his widow was arrested and charged in his death, but she had been on police radar early on.

"Please be advised that the beneficiary, Emma Smith, wife of the deceased, cannot be ruled out as a suspect in the death of Ernest Smith," a detective wrote to an insurance investigation company in 2006.

By the time Emma Smith was arrested in that case in 2013, she had a new name, Emma Raine, and was, again, a widow. Her third husband, James Raine, was shot to death at the couple's Pearl River County, Mississippi, home in 2011.

No arrests have been reported in his death.

Emma Raines has pleaded not guilty to second-degree murder in the death of Ernest Smith. Her trial began recently.

Court documents and testimony in an earlier trial make clear that James Raine was also under suspicion in Ernest Smith's death. His adoptive brother, Alfred Everette, was charged with being the trigger man in Smith's death.

He was convicted of second-degree murder after prosecutors said he had been promised — by James and Emma Raine — money from a life insurance benefit.

Jurors may also hear testimony about the death of Emma Raine's first husband, Leroy Evans, who died while hospitalized in 1994 after having been hit by a car.

No arrests were ever reported in that case but, during Everette's trial, prosecutors said the death was suspicious.

'Want to be a Doctor?' Surgeon returns book decades late

CHARLESTON, W.Va. (AP) — A Florida doctor is returning a long-overdue book that he checked out from a West Virginia library and donating \$500.

WCHS-TV reports that as a child in the mid-1970s, Dr. Michael Kelly checked out "So You Want To Be a Doctor" from the Kanawha County Library.

Kelly, a graduate of Charleston High School, is now a successful plastic surgeon in Miami and owns Miami Plastic Surgery.

Kelly told the news station that he recently found the book in a bookshelf at his home and is "extremely embarrassed" that it has been checked out for so long.

Library officials say Kelly told them he'd return the book soon, along with a check to show gratitude for his success. Kelly says he hopes his story will inspire the children of Charleston to follow their dreams.

Problem solver

Litigator enjoys crafting solutions for his clients



Robert Riley

BY SHEILA PURSGLOVE
Legal News

Attorney Robert Riley enjoys litigation as just one aspect of a greater problem-solving process.

"Clients hire lawyers because they have a problem that needs to be solved — not because they love going to court," he said. "Sometimes litigation is the best option, but oftentimes, there are multiple ways to solve the problem without having to resort to a lawsuit.

Riley said he likes the challenge "of helping craft solutions that are economical, practical and make sense for my clients' businesses. Winning in court is

obviously important and a fun part of the job, but going to court is not necessarily the goal at the beginning of the day."

A member of the Litigation Department at Honigman Miller Schwartz and Cohn LLP in Detroit, Riley spent the better part of 2014 successfully litigating a breach of contract dispute arising out of a U.S. Navy patrol boat shipbuilding program, obtaining a \$5.8 million judgment, plus attorney's fees, for an international manufacturer.

Currently he is working on a trademark dispute involving energy drinks. On the commercial side, he deals with troubled automotive suppliers and is working on an emergency supply dispute on behalf of General Motors.

"I love learning about different industries — they're all unique and present different challenges and opportunities," Riley said.

A member of Honigman's Value Team, Riley explained that when clients hear the word 'value' they often think that means low cost.

"Our approach to value is much deeper than that — we

focus not just on price, but also on proportionality, resource allocation, communication, predictability, and efficiencies that most firms gloss over," he said.

"Our attorney-led Value Team is unique not just among Detroit law firms, but among firms across the country," Riley added "I was fortunate that Carl Herstein, the chief Value partner, and Joe Sgroi, associate chief Value partner, were interested in expanding their team. Working with them affords me the opportunity to put the financial and managerial skills I learned in business school to good use."

Riley also serves on the firm's summer associate committee — "probably the coolest part of my job," he said.

"Working alongside and recruiting law students is great," Riley said "There are so many talented students out there and I enjoy telling them about the work I do and how they can have a meaningful impact on their clients, on the community and on their careers by joining Honigman — plus we get to check out all of the exciting stuff going on in Detroit along the way."

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Documentary filmmaker to address MSU forum

Documentary filmmaker Ken Burns, the second recipient of the Spartan Statesmanship Award for Distinguished Public Service, will be the featured speaker at the Gov. Jim Blanchard Public Service Forum on Sept. 23 at Michigan State University.

The award and forum, announced last year, were established through a \$1 million gift to MSU from Jim and Janet Blanchard.

Jim Blanchard said the program honors distinguished leaders in public service, diplomacy, politics and journalism, and gives MSU students and others "a chance to learn from their leadership and inspiring careers."

"As we showed last year when President Bill Clinton received the first award and spoke on campus, the goal of this lecture series is to provide generations of students, faculty and people in the MSU community with the opportunity to hear and learn from national and international leaders," said Blanchard, former Michigan governor, U.S. congressman and ambassador to Canada.

"Ken Burns is an outstanding choice for the forum this year, and we are honored that he accepted this award and agreed to come to campus," Blanchard said. "He is a great documentarian and one of the most influential filmmakers of our time. He has brought to life so much of the richness of the American experience, and his dedication and perseverance is exactly the type of inspiring story we like to bring to campus through the Blanchard Forum."

The event, to be held at MSU's Wharton Center for the Performing Arts, will support the Blanchard Forum program administered by the Department of Political Science in MSU's College of Social Science.

Tickets will go on sale Aug. 29 through the Wharton Center box office.

"The generous gift from Jim and Janet Blanchard is making it possible for the Department of Political Science to bring distinguished leaders, with strong credentials in public service, to campus to talk with our faculty and students as well as the larger MSU Community," said Charles Ostrom, department chairperson. Rachel Crosron, dean of the College of Social Science,

said the forum has "quickly grown into a signature event for our college.

"Ken Burns' accomplishments are significant and our students benefit each time they are able to hear directly from someone who has achieved so much," she said.

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Suggestions to curb political venom in the workplace

BY GARY BAND
The Daily Record Newswire

ROCHESTER, NY — Political and racial tensions can polarize the workplace. But experts say employers can take steps, especially in an election year, to maintain peace and productivity in the office.

"Whether you support Hillary Clinton or Donald Trump, as soon as you articulate which candidate you support, it immediately generates a response," said Craig Olivo, co-managing partner at Bond, Schoeneck & King in Garden City, who reported an uptick in calls on political tensions in the workplace.

In general, he said, "People are more guarded about how much they express. But some are unabashed and express views no matter what." And that can add a level of "potential

liability" for employers, he said.

These heated discussions — whether face-to-face or on social media — cover the gamut from politics to discourse over Black Lives Matter, All Lives Matter, Police Lives Matter and more. And once they filter into the office, the dialog can trigger conflicts at work — even leading to U.S. Equal Employment Opportunity Commission workplace discrimination or harassment charges.

Employers should be "careful about liability discussions between employees that often bring up certain protected matters: race, religion, and gender," warned Brian Shenker, a labor and employment consultant with Portnoy, Messinger, Pearl & Associates, a labor relations firm in Syosset. "A lot of times political turns of events bring ... discrimination claims if you let employees discuss and have it unchecked."

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Judges congratulate treatment court grads



The Oakland County and Court a Adult Treatment Court (aTC) recently conducted its 47th graduation since its inception in August of 2001. Oakland County Circuit Court Judges Joan Young (front row, third from left) and Shalina Kumar (front row, third from right) congratulated the graduates at a ceremony and reception held in the Commissioners Auditorium at the Oakland County Courthouse in Pontiac. Among the graduates were (front row, left to right) Maynard Aldrich, Amanda Kirm, Renee Fazica and Robert Haynes along with (back row, left to right) Timothy Sim-

mons, Michael Castello and Dustin Kaiser. Michigan Supreme Court Justice Joan Larsen sent a congratulatory letter to the graduates in which she called completion of the program "a tremendous achievement that requires a great deal of determination and strength." The aTC offers a sentencing alternative for non-violent felony offenders with serious substance abuse problems.

Photo by John Meiu

Lawsuit seeks \$5.5B from PricewaterhouseCoopers

BY CURT ANDERSON
AP Legal Affairs Writer

MIAMI (AP) — Accounting giant PricewaterhouseCoopers recently squared off in court with lawyers for a defunct mortgage company's creditors and investors over a \$5.5 billion lawsuit, which claimed the Big Four firm failed through years of audits to uncover massive fraud at a failed Alabama bank.

The estimated \$21 billion fraud at Colonial Bank of Montgomery, Alabama, was orchestrated by top executives at the shuttered mortgage firm Taylor, Bean and Whitaker of Ocala, Florida.

Six Taylor Bean senior executives and two Colonial employ-

ees were convicted of federal fraud crimes and went to prison.

Colonial was shut down in 2009.

Steven Thomas, attorney for a trustee representing Taylor Bean creditors and investors, said PricewaterhouseCoopers did seven audits while the scheme was ongoing and failed to find it.

That means, he told a jury in opening statements, the firm should be held liable for billions of dollars in damages.

"PricewaterhouseCoopers had a job: detect fraud. And the second thing I'm going to prove to you is that PricewaterhouseCoopers failed to do its job," Thomas said. "When you don't do your job and people get hurt, it matters."

PricewaterhouseCoopers attorney Beth Tanis countered that the lawsuit was essentially an attempt to get the firm to pay for money stolen in the fraud scheme by Taylor Bean, now represented by the trustee.

She said the perpetrators, who were insiders, took elaborate steps to cover up their crimes and that other audits at the bank and mortgage company also missed it.

"The criminals were so successful at hiding these transactions that nobody found the fraud," Tanis told jurors. "You can do an audit just right and not detect a fraud."

The scheme didn't come to light until a Colonial employee went to the FBI in July 2009, she added.

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New York Times Crossword Puzzle

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A view from the bridge of spaceship earth (part one)