

Detroit Legal News

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Vol. CXV, No. 5

Thursday, January 7, 2010

75 Cents

DAILY BRIEFS

Ex-judge seeks help from high court

DETROIT (AP) — A former Detroit judge wants the Michigan Supreme Court to review a decision that allows her to be prosecuted by the state attorney general's office.

Mary Waterstone is charged with four felonies for her role in a Wayne County drug trial in 2005. She's accused of allowing witnesses to lie.

Waterstone wants the attorney general's office off the case because it represented her in a separate but related civil lawsuit. Three courts so far have ruled against her.

Waterstone's lawyer, Juan Mateo, filed an appeal last Wednesday at Michigan's highest court. He'd like the justices to rule before a Jan. 11 hearing, which will determine if she goes to trial.

Retired U.S. justice rules for prison inmate

JACKSON, Mich. (AP) — A lawsuit over a cell for a Michigan prison inmate remains alive, thanks to a retired U.S. Supreme Court justice.

Sandra Day O'Connor was on the three-judge panel that handled an appeal in a lawsuit by inmate Ned Mingus. He says his constitutional rights were violated when he wasn't given a one-man cell to accommodate his bad eyesight.

The 6th U.S. Circuit Court of Appeals said that a portion of Mingus' lawsuit can proceed against a nurse who was a health manager at the G. Robert Cotton prison in Jackson.

Mingus acted as his own lawyer. O'Connor and two other judges say he "more than adequately represented himself" and denied a request for court-appointed counsel.

The 72-year-old Mingus is serving a life sentence for criminal sexual conduct.

Man sentenced in scheme to sell church

DETROIT (AP) — A Detroit man who was convicted in a church mortgage scheme has been sentenced to at least 11 years in prison.

Forty-six-year-old Tracy Carmichael was sentenced Tuesday. He was convicted last month by a jury of charges including embezzlement, forgery and money laundering.

Authorities say Carmichael attempted to sell the Temple of God Deliverance church on Detroit's east side in 2007. The church pastor was alerted to the scheme when his congregation was served with eviction papers.

He also was ordered to pay \$115,000 in restitution.

Worker's comp, Social Security focus of MAJ seminar Jan. 22

The Michigan Association for Justice will present its annual Worker's Compensation/Social Security Seminar titled "You Can't Hurry Love—The Supremes...Remand Lofton." The program will be offered Friday, Jan. 22, from 9 a.m. to 3:35 p.m. at the Hotel Baronette in Novi.

The seminar will delve into such topics as Employer and Insurance Carrier Fraud in the Worker's Comp System, Transferable Skills Analysis/Labor Market Survey Validity, SS Electronic Filing and Current Issues, Troublesome SS Hearing Issues, ADA/Disability Harassment, Medicare Conditional Payments, and more.

Tuition includes seminar, food and beverages. MAJ plaintiff members pay \$150; sustaining members pay \$50; and non-MAJ members pay \$175. There will be an additional \$20 charge for registering at the door.

To register, go online to www.michiganjustice.org. For additional information, contact the MAJ at (517) 321-3073 or maj@michiganjustice.org.

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Think of the children

Family law attorney offers heart-felt tips to divorcing parents

By TOM KIRVAN
Legal News

Like many family law attorneys, Armand Velardo knows that the emotional impact of divorce on children "is usually brutal and long lasting."

Let him count the ways he can help.

It was 153, but the figure now tops 160. They are neatly contained in his "Ways to Help Your Children During and After a Divorce," a pamphlet that is regularly "supplemented based on the experiences of others," according to Velardo.

First and foremost, the 51-year-old Velardo urges those in the throes of marital problems to "attempt reconciliation" for the sake of their children. That is No. 1. It is joined at the hip by No. 7:

"If you are feeling down/depressed, take an inventory of the good things in your life; place your children first on the list."

That, seemingly, would be the ultimate "no-brainer," but Velardo knows well that logic and reason are words seldom framed in the context of divorce.

"People like to play the blame game, become totally self-absorbed, and often lose sight of what is truly important in life, principally the welfare of their children," Velardo says. "These tips that I've accumulated over my years of family law practice are common sense reminders that can get lost in the muck of divorce. It is difficult to see straight when you are dealing with the break-up of a marriage and the emotional and financial turmoil that invariably ensues."

Velardo, a native of Detroit and a summa cum laude graduate of Wayne State University, can speak from experience. His first marriage ended in divorce in 1996, offering him an unexpected opportunity to take stock of his

life, some 14 years after he began his legal career following graduation from WSU Law School.

"I know firsthand that there is nothing easy about divorce, even if it is handled amicably," Velardo says. "There is a hurt that can be long lasting and there is a healing that needs to take place."

For Velardo, divorce led him down a legal path he had not anticipated after devoting much of his legal career to tax, business, and estate planning matters. He earned his LL.M. in taxation from Wayne State in 1986, three years after becoming a CPA.

"Family law is a field where you have an opportunity to really offer counsel to people, to get in, get out, and let the healing begin," Velardo says. "Each case is unique and has its own special set of challenges, which is why I began developing this list, to help people

understand that there are steps that can be taken to get the situation back on track. Those involved need to remember that even if the marriage can't be saved, they will always be a mom and dad to their kids. They can't lose sight of that fact."

Velardo's father, Antonio, came to the U.S. from Italy at age 12 and worked as a statistician in the defense industry after earning his degree from Wayne State.

"He so much appreciated the opportunities he was given to obtain an education and to work in an important industry," Velardo says of his father, who died in 2006 at age 84.

His mother, Yolanda, lives in Clinton Township, where she stays in close touch with her four children. Velardo has a twin brother, Bernard, an anesthesiologist in North Carolina; a brother, Anthony, who works for a commercial and residential door company; and a sister, See TIPS, Page 5

“Family law is a field where you have an opportunity to really offer counsel to people, to get in, get out, and let the healing begin.”

— Armand Velardo

Detroit deputy mayor to speak at M Law MLK Day event

A 30-year career in public service will help Law School alum and Detroit Deputy Mayor Saul Green bring unique perspective to his Martin Luther King Day talk at Michigan Law Jan. 18.

Green, who earned undergrad and J.D. degrees at U-M in 1969 and 1972, is scheduled to deliver a talk on "New Challenges and the Same Old Pitfalls," beginning at 4 p.m. in Room 220 of Hutchins Hall. A question-and-answer period will follow, along with a brief reception.

The former U.S. Attorney for the Eastern District of Michigan has been a Detroit deputy mayor since 2008. Green also has served as Wayne County Corporation Counsel, chief

counsel at the Detroit field office of the U.S. Department of Housing and Urban Development, and senior counsel at Miller Canfield. As a federally appointed independent monitor, Green also helped the city of Cincinnati implement police reforms.

Green brings that distinguished base of experience to the classroom at Michigan Law, where he serves as an adjunct professor, co-teaching classes on fair housing and police integrity.

His talk is being co-sponsored by the Law School and several student groups, including the Michigan Law Review, the student chapter of the ACLU, and the Law School Student Senate. All are welcome and admission is free.

Two attorneys and former judge join forces to form firm

Three of Detroit's most well respected lawyers have joined forces as nationally renowned trial attorney Lawrence Charfoos announced the formation of a boutique law firm with former Wayne County Circuit Court Chief Judge William Giovan and prominent immigration lawyer Robert Birach.

The new firm, Charfoos, Giovan, and Birach L.L.P., is located in downtown Detroit's Penobscot Building and specializes in complex business litigation, highly selective tort litigation, alternative dispute resolution, and immigration law.

"Recognizing the economic challenges facing business and legal markets, we offer exceptional legal representation at a substantially lower cost structure to companies and individuals seeking prompt and favorable resolutions to their contested matters," said Charfoos.

"With the experience of William Giovan, a highly respected former Judge, our firm and clients will greatly benefit by his insight and counsel. In addition, Robert Birach's expertise will allow the firm to meet the increased

demand for highly effective immigration representation," said Charfoos.

Recognized as one of the leading trial attorneys in the country, Charfoos, inducted into the International Academy of Trial Lawyers and the Inner Circle of Advocates, specializes in handling complex business litigation from pretrial work through appeal and highly selective tort litigation.

As the first Michigan attorney to obtain a million dollar verdict, Charfoos later carved a niche handling minority shareholder oppression claims while taking on complex business disputes.



An attorney in Mount Clemens, Armand Velardo has specialized in family law for the past 13 years.

Photo by Robert Chase

Legal News employee, 62, dies from injuries suffered in crash

Chris Fahlgren, a valued member of The Legal News staff for the past 5 years, died January 4 at Arbor Hospice, two weeks after suffering multiple injuries in a car accident near her home west of Ann Arbor. She was 62.

A native of Akron, Ohio, Fahlgren graduated from Barberton (Ohio) High School, earning a bachelor's degree in journalism from Ohio University in 1969. She spent the bulk of her career in the newspaper field, working as an ad designer and layout person for The Reporter Papers, Heritage Newspapers, and The Washtenaw County Legal News, a weekly publication owned by Detroit Legal News Publishing. For several years, she also worked for Baseview in a software support role, later assisting Braun & Helmer Auction Service with its layout and design needs.

Christina Marilyn was born April 15, 1947, the daughter of Emily and Anthony Chapandy, both of whom preceded her in death. She met Robert Fahlgren in 1978 and they were married on June 27, 1981. They remained close and enjoyed each other's company at the prop-

erty on which they built their home together near Chelsea.

She is survived by Robert; her sister, Angie Lopez, of Austin, Texas; her mother-in-law and father-in-law, Gladi Fahlgren Baker and Cliff Baker of Ann Arbor; along with several in-laws, nieces and nephews, an aunt, and many cousins.

"We all just loved Chris so much," said Gladi Fahlgren Baker. "She was so caring and kind-hearted. She was always looking out for others. She also had such a soft spot in her heart for her own cats as well as concern and care for 'uncared for' cats. They were all very special to Chris."

A service will be held this spring at First United Methodist Church in Ann Arbor, where her remains will rest in the Memorial Gardens.

Memorial contributions can be made to: Arbor Hospice, 2366 Oak Valley Drive, Ann Arbor, MI 48103; or Kat Snips (a newly organized cat spay/neuter program for the greater Washtenaw County area), 4140 Willow Road, Saline, MI 48176.



Lawrence Charfoos



William Giovan



Robert Birach

commercial litigation.

Birach is considered one of the top immigration attorneys in the country. He represents individuals and families facing issues with the U.S. immigration process including visa petitions and extensions, naturalization, administrative appeals and political asylum. He also counsels and represents businesses on immigration matters including non-immigrant visas for temporary workers, adjustment of status and regulatory compliance issues.

For more information on the firm, go to www.cgblegal.com or call (313) 964-1234.

Official Newspaper: City of Detroit • Wayne Circuit Court • U.S. District Court • U.S. Bankruptcy Court

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TIPS:

Velardo considered running for U.S. Senate

From Page 1

Mary Ann, who lives in Shelby Township after retiring from a career in payroll accounting.

Five years into his legal career, working as an associate for a large Detroit law firm, Velardo decided to run for political office. Not just any office, mind you. Velardo, 30 years old at the time, opted to seek the Republican nomination for the U.S. Senate, hoping to unseat Democratic incumbent Donald Riegle in the 1988 election.

His long shot bid did not meet with the approval of the executive committee at the Detroit law firm. As a result, Velardo withdrew from the Senate race and eventually left the firm.

"Admittedly, I set my sights high in considering a run for U.S. Senate as a first time candidate, but I was convinced that I could help bring some new blood to an office that was desperately in need of some," Velardo relates. "I've never shied away from a challenge."

Six years later, he would take a second crack at unseating a popular Democratic incumbent, this time U.S. Rep. David Bonior, a congressman since 1976 and then the House majority whip. Velardo's bid for the

GOP nomination against two other Republican candidates received editorial support from The Detroit Free Press, but nothing was going to stop the Bonior express in the general election.

Despite the political setbacks, Velardo is keeping his "options open" about a future run for public office, including a possible candidacy for a

unemployed, if individuals who are 70 years and older retire, if they can afford it," Velardo wrote. "The 'old fogies' in the U.S. Senate and the U.S. Congress should lead by example and be the first ones to retire."

Velardo, a partner in the Mount Clemens firm of Ruggiero, Velardo, Novara & Ver Beek, has a passion for the law and for helping others. His wife of nine years, Valerie, a social worker for Adult Protective Services, shares his desire to lend a helping hand.

"I over-married with her," Velardo says of his wife, who has two children, Andre (24) and Alicia (18). "She is such a wonderful wife and mother, and she really takes her job to heart."

Her devotion to the needs of the vulnerable dovetails nicely with a story from Velardo's law school days at Wayne State nearly three decades ago. It revolves around a 61-year-old man, a veteran of World War II, who spent five days in an East Detroit bus shelter, "waiting for a ride that never came," according to a July 1981 Detroit News account of the incident. The story was titled, "A man with nowhere to go finds a friend."

The man, reportedly a former patient at a VA Hospital, had wandered off and was stationed at the bus stop awaiting a ride from a relative. Five days later, he was still there, somehow slipping through the cracks of society, a classic case of bureaucratic neglect.

When Velardo heard of the man's plight, he decided it was time for someone to take action, quickly determining that more than one segment of society had dropped the ball. Within a day, Velardo had helped usher the man back to hospital care, safe and sound.

"I mean, here we're all celebrating Independence Day and here's a guy who went off to fight a war and something happened to him and now he sits at a bus stop for five days and nobody gives a damn," Velardo said in the 1981 News article.

Someone did, even if it came from an unexpected source. Velardo's work on behalf of the man lines up well with No. 153 on his list of "Ways to Help Your Children. . ."

"I like to be involved. It's our duty to be engaged in the political process. That is one thing that will never change for me."

— Armand Velardo

judgeship at the district or circuit court level.

"I like to be involved," Velardo says. "It's our duty to be engaged in the political process. That is one thing that will never change for me."

To satisfy his duty, Velardo regularly writes to The White House or to various Detroit area dailies, imploring the President and the powers that be to act decisively on such matters as aid to the auto industry and those who have served in the Iraq and Afghanistan wars. In a September letter to President Obama, Velardo even offered a "thought to reduce unemployment" in the U.S.

"It would be beneficial to the

WEST VIRGINIA

Mental health provider alleges retaliation Agency denied company license, citing patient care concerns

By TOM BREEN
Associated Press Writer

CHARLESTON, W.Va. (AP) — West Virginia is trying to "destroy" one of its largest providers of mental health services, according to a federal civil rights lawsuit Northwood Health Systems plans to file.

The Wheeling-based company, which treats roughly 3,000 people in three Northern Panhandle counties, alleges it is being retaliated against for speaking out on health care issues last year, and singles out Gov. Joe Manchin as leading the effort to punish it.

The company filed a notice of intent to sue on Tuesday, saying it plans to file suit in U.S. District Court for the Northern District of West Virginia in 30 days.

Northwood has been operating since October without a license, which it was denied by the Office of Health Facility Licensure and Certification. The state agency declined to renew Northwood's license citing concerns over patient treatment.

Patrick Casey, chairman of Northwood's board, told The Associated Press Wednesday the state found five problems with Northwood in 2007 and 2008 combined, compared to 175 "deficiencies" found in 2009.

"We were the poster child for regulatory compliance," he said. "We've been doing a lot of things right for a long time, and then suddenly we're not."

What changed, according to Casey, is that Northwood and its chief operating officer, Mark Games, became prominent supporters of a 2009 bill that would have increased funding for services like group homes and specific types of therapy.

Around the same time, Games testified in Kanawha County Circuit Court in an ongoing legal battle over how the state cares for people with mental and behavioral illnesses. Games testified that state funding was inadequate and community services like day programs had been drastically cut. Ultimately, Judge Duke Bloom ruled the state had failed to meet its obligations and ordered it to take several corrective steps, a ruling the state has appealed.

The combination of lobbying for the bill — which Manchin ultimately vetoed — and testifying in Bloom's courtroom led to threats of retaliation that swiftly became action, Casey said.

"They made it clear to us that if we didn't back off, there would be repercussions," he said.

The planned lawsuit says that on April 30, 2009, an unnamed member of Manchin's staff told a Northwood representative, "if (the governor's office) needed to, they would come out swinging" against the provider.

It says another Manchin staffer warned that the Department of Health and Human Resources would "make an issue" of the money Northwood spent lobbying for the bill.

The lawsuit says Manchin called a Northwood employee the day after he vetoed the bill, which passed both legislative chambers unanimously. Manchin expressed anger over Northwood's lobbying efforts and "concluded the call with a demand that all efforts to override his veto of the bill cease," according to the lawsuit.

Manchin and DHHR opposed the bill because they said it would tie the hands of state health officials. After the veto, Manchin promised to spend \$12 million on community programs like group homes.

"At this point, we haven't received the notice of intent to sue, but any allegation that DHHR's regulation of Northwood would be based on the governor's veto is baseless and without merit," Manchin spokesman Matt

Turner said. DHHR spokesman John Law declined to comment Wednesday.

When the state decided not to renew Northwood's license, it cited three patient deaths within a two-month span in 2009 and a series of incidents in which staff members mistreated, neglected or humiliated disabled patients.

"Northwood is the first to admit it's not perfect," Casey said. "With 450 employees, there will be problems. But when we find a problem, we fix it."

The normal process for resolving problems, which involves the provider submitting correction plans, has essentially been ignored by the state, Casey said. He said Northwood officials submitted detailed plans to correct citations as minor as a cracked toilet seat and an unlabeled peanut butter jar, but state officials have rebuffed them.

"The reason they didn't want plans of correction is they had no hope we could fix the problems," Casey said. "Those were their words. It's predetermined."

Northwood's planned lawsuit seeks no monetary damages. The provider wants a ruling that its civil rights have been violated and a requirement that the state remedy the situation.

IDAHO

Groups sue to end wilderness copter landings Judge considering restoring endangered species protections

By JOHN MILLER
Associated Press Writer

BOISE, Idaho (AP) — Environmental groups hope to prevent state helicopters from landing to collar wolves in central Idaho's Frank Church River of No Return Wilderness, arguing in a federal lawsuit it violates a 1964 law that created backcountry preserves.

State biologists aim to land the helicopters up to 20 times this winter during their annual big game count, and maintain the flights will be nonobtrusive, with aircraft touching down for a few seconds while crews mount radio collars on up to 12 tranquilized wolves.

The Wolf Recovery Foundation in Pocatello and Western Watersheds Project in Hailey contend the U.S. Forest Service's decision last month to let the Department of Fish and Game land the choppers in the 2.24 million acre wilderness was also done without the required environmental analysis. They've asked a judge to prevent the flights that are set to start in mid-January.

This latest clash over predator management comes as a federal court judge in Montana weighs restoring Endangered Species Act protections to some 1,650 gray wolves in Idaho, Wyoming and Montana. Wolf hunts in Montana and Idaho, as well as sanctioned killings in response to livestock attacks, resulted in the deaths of more than 500 wolves last year.

"Such use of helicopters to hover above the ground and land in wilderness threatens to cause irreparable harm to plaintiffs and other members of the public, including by destroying their wilderness experiences and subjecting wild wolves to further persecution," according to the group's lawsuit.

The use of motorized or mechanized travel is not normally allowed in congressionally mandated wilderness areas like the Frank Church.

But Idaho officials said trapping wolves from the ground isn't effective, so they want to do it while they're flying on annual win-

ter deer and elk counts over the wilderness from January to April.

The Forest Service dumped a broader request from Idaho in 2006. But Harv Forsgren, the Forest Service's regional forester in Ogden, Utah, concluded in late December that state and federal agents would glean valuable information about the wolves, their denning sites and movements with the Fish and Game's latest proposal.

Jim Unsworth, deputy director of the state wildlife agency at Boise, declined to comment on the lawsuit, saying in an e-mail response to The Associated Press that it's premature to speculate on how U.S. District Judge Lynn Winmill will rule.

Forsgren also didn't respond to a request for comment.

The environmental groups' lawsuit also seeks to bar federal hunters from shooting wolves in and around central Idaho's Sawtooth National Recreation Area and end grazing on public land there.

They contend packs are being

778,000 area without a valid environmental analysis of impacts to the region's wildlife, which federal courts concluded in a separate 2002 case trump livestock interests.

Ralph Maughan, who heads the Wolf Recovery Foundation, said the shooting of seven wolves from one pack near Stanley in November from a U.S. Department of Agriculture Wildlife Services helicopter underscores advocates' concerns that Idaho's wolf population is being irreparably harmed because government hunters are targeting entire packs — and wiping out genetic variations needed for the predators survive in the wild.

"The real threat to the integrity of the wolf population isn't the wolf hunt," Maughan said. "Hunters shoot wolves randomly. That doesn't hurt the genetics very much. But when you eliminate an entire pack, you eliminate entire genetics. That can't be restored."

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