

# Detroit Legal News

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## DAILY BRIEFS

### Scott Seabolt elected to chair Think Detroit PAL board of directors



Scott Seabolt

Scott Seabolt, a partner in Foley & Lardner's Detroit office, has been elected to serve a two-year term as chair of the Think Detroit PAL board of directors, effective January 1, 2013.

In this role, Seabolt will be responsible for helping to guide the strategic direction of Think Detroit PAL, one of

Detroit's leading non-profit organizations dedicated to building character in young people through athletic, academic and leadership programs. He has served in a number of other roles on the Think Detroit PAL board of directors over the past five years, including three years on its Executive Committee and three years on its Nominating Committee. Seabolt also supported the organization as interim CEO in 2010, and was subsequently recognized with the Think Detroit PAL John D. Scodellaro Builder Award in recognition of his dedication, hard work and long-term service.

Think Detroit PAL is a non-profit organization positively impacting the lives of over 10,000 children each year through athletic, academic and leadership development programs.

### Honigman enjoys 4 years as state's 'Best Law Firm for Women'

For the fourth year, Honigman Miller Schwartz and Cohn LLP is the only Michigan law firm to be named one of the 50 Best Law Firms for Women by Working Mother magazine and Flex-Time Lawyers. Honigman earned this recognition in 2008, 2009 and 2011 as well (there was no list in 2010).

Recognition is based on law firms' family-friendly policies and focused initiatives that help retain and advance women attorneys. Honigman will be featured in the December/January issue of the Working Mother magazine, and on workingmother.com and flextimelawyers.com.

Honigman's family friendly practices and innovative professional development initiatives have received numerous accolades. The firm earned statewide recognition as a Top Workplace in Michigan from the Detroit Free Press in November 2011. Honigman was ranked sixth on the list, which included such other large employers in the state as Lear, Thomson Reuters, FedEx and Johnson Controls and was the only law firm honored in this category.

The firm also earned accolades from the Michigan Business & Professional Association for being one of the "101 Best and Brightest Companies to Work For" in both the Metropolitan Detroit (2010, 2011 and 2012) and West Michigan regions (2011 and 2012). These awards are based either in whole or in part on employee and attorney interviews and survey responses.

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## Life as a juvenile

### Area attorneys come to aid of the imprisoned

By PAUL JANCZEWSKI  
Legal News

In June, the U.S. Supreme Court struck down mandatory life without parole sentences for juveniles, which set the legal ball rolling in many states for mitigation hearings, or potential re-sentencings for those juveniles.

Nationwide, nearly 2,500 people who were convicted as juveniles await their fate after the U.S. Supreme Court ruled those sentences unconstitutional. In Michigan alone, nearly 360 people are in prison, convicted while they were juveniles.

Handling those cases, in Michigan and elsewhere, will require a concerted effort of attorneys who will examine those cases and try to seek justice for inmates unfairly convicted. In most, if not all cases, these attorneys will offer their services pro bono.

Two Michigan attorneys among the many who are willing to sacrifice their time, offer their legal skills and expertise, all in the name of justice are Cary McGehee and Michael Pitt. After previously working together at a law firm, the two co-founded the Royal Oak firm of Pitt McGehee Palmer Rivers & Golden in 1992.

And by looking at the background of these two prominent legal minds, it's not hard to see why they are fighting for the underdog. It's in their DNA.

McGehee, 50, was born in Virginia, but moved to Birmingham after her father was named bishop of an Episcopal church in 1971. At an early age, McGehee began playing basketball, first at a local youth league, and then for junior high school, high school and college, at Bowling Green State University in Ohio. She was a walk-on at BGSU, but eventually earned a scholarship, and graduated in 1984 with a degree in communications.

"I wanted to be an investigative reporter," McGehee said.

After a bad experience while working an internship at a television station, she turned her attention to the law. But not before giving basketball a shot. McGehee played professional women's basketball in Dallas for a year, and after the league folded, she worked in sales, but didn't like it. Her father suggested law school, "and I thought it was a good idea," she said.

"I always had an interest in law and knowing my rights, and advocating for people's rights," McGehee said. "It had as much to do with my upbringing."

Her father was an attorney before turning to ministry. Her passion to fight for the underdog came from her father, who was active in social justice and community issues and also started a coalition for human rights in Michigan.

"He was always active in civil rights, so that



Photo by Paul Janczewski  
Cary McGehee and Michael Pitt in their Royal Oak office are two of many attorneys working on life in prison cases ruled unconstitutional by the U.S. Supreme Court

seemed to be natural for me," she said.

In 1986 she began at the Detroit College of Law with an eye on representing individuals rather than defending corporations. After graduating, she took a job at a firm working with employment cases.

"It was a perfect fit," McGehee said.

It was there she met Pitt, a senior partner. After working there for about three years, the two left to start their own firm. Pitt, 63, graduated from Wayne State Law School in 1974 and worked at a firm where he learned from legal pioneers in civil rights. He rattles off names of his teachers there and called them "legends in the community."

"And they really fought very hard for establishing legal principals that would have an enduring effect on the lives of people," Pitt said. "They used the legal system to create long-enduring changes."

Pitt said he saw these pioneers as special people who developed skills to help large groups of people for long-term benefits.

"And I just became absolutely fascinated with the process and prospect of using the law to advance social change," he said. Some were involved in the Freedom Summer in Mississippi in 1968, getting people out of jail for advocating for fair housing and voting rights, "and they really inspired me."

Armed with a greater social conscious for change, Pitt and McGehee were naturals for forming a firm that centered on those issues.

McGehee remained involved with basketball as an official at NCAA women's games, and only recently retired after 20 years.

She was also involved in *Neal v. Michigan Department of Corrections*, a class-action lawsuit filed in behalf of more than 500 female inmates who were sexually assaulted by male prison guards, and won awards for her contributions to public interest in upholding human, civil and constitutional rights and the advancement of social justice.

As for the recent U.S. Supreme Court ruling, getting involved in the cause to aid convicts who were sentenced as juveniles seemed like a no-brainer for Pitt and McGehee.

McGehee said the ruling is trying to take into account factors that were not looked at years ago in sentencing these juveniles, such as their tender age, immaturity, acting on impulse, peer pressure, family life, and other aspects.

"It's wrong to think that someone who committed a crime when they were 14 or 15 should be done for life and never given an opportunity," she said.

In many of these cases, the juveniles did not have intent to kill someone, did not anticipate a

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## Local Voice

MARIE E. MATYJASZEK  
Law Office of Robert Matyjaszek

### Getting rid of that pesky record



Occasionally we all do something that we regret and we look back and wish it could be erased from the memory of those who witnessed it. Past criminal acts certainly fit into this category, and if you meet certain qualifications, those acts can disappear from

the public's eye.

If you're looking to set aside a criminal conviction, also called an "expungement," the State Court Administrator's Office (SCAO) has a great packet that includes eligibility questions, instructions and forms to help you do this. The forms you will need are MC 227 (Application to Set Aside Conviction) and MC 228 (Order on Application to Set Aside Conviction). I can't explain everything in my article, so obtaining this packet will give you extensive details and instructions as to what to do, and the great Internet will provide you with the packet at the click of a button!

In order to be eligible to set your conviction aside, you must only have ONE conviction in your past, not including two minor offenses, as set forth in MCL 780.621(10)(b). If you have a conviction from a federal court or another state, you're not going to be able to apply. The type of crime committed also makes a difference — for example, you cannot have been convicted of CSC (Criminal Sexual Conduct) in the first, second, or third degree, nor can you apply if you were convicted of an assault with intent to commit a CSC crime. Being convicted of a felony or an attempt to commit a felony, where the potential max sentence is life behind bars, will bar you from an expungement as well. Wanting to erase a driving or traffic offense is also a no go, and it must be at least five years from the date of your conviction and if you were thrown behind bars, at least five years after you were released from the clink.

If you believe you can apply to set your conviction aside, you have a little to-do list in order to set this in motion. You first need to obtain a certified copy of your conviction, which is relatively easy as you simply need to go to the clerk's office and obtain a certified copy of the Judgment of Sentence, Order of Probation or Register of Actions in your case. You will be charged a fee for this document, so bring some loot with you to pay up.

Your next step is heading to a local police department for some fun finger-painting — I mean finger-printing. The department will likely charge you a fee for this, but it's usually not too bad. Not surprisingly, the State Police will be checking on you and using these prints to determine if you have other convictions. You'd be amazed at how many people claim to have forgotten about prior convictions or say they didn't know they had them.

Once you have your certified copy and fingerprints, you need to sit down and fill out form MC 227 carefully and make the appropriate number of copies (all explained in the handy packet). You must sign this form in front of a notary public or court clerk, file your application, paying another fee (\$50 this time) and mail it out to the appropriate parties (prosecutor, Attorney General and State Police). You've got to file a Proof of Service with the court to prove that you served the docs on the above parties.

It's wise to wait to set your hearing until you have received your Michigan State Police background check report — usually it's safe to say 6-8 weeks from when you file your application as the police can take time to process your request.

Be aware that both the prosecutor and Attorney General may attend and object to your application, and the victims of certain crimes can also appear as the prosecutor has to notify them of your application. The court will make the ultimate decision as to whether or not your application should be

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## Bar Review



Photo courtesy of Elizabeth Jolliffe

The Detroit Metropolitan Bar Association's Barristers Section held a "Bar Review" happy hour at Cliff Bell's Nov. 6. The Barristers Section is the DMBA's young lawyers section and is focused on service to the community and networking. Among those in attendance were (l-r) Joanne Golden of Caplan & Associates, Michael Carroll of Kerr Russell & Weber, Emily Grace Thomas of McKeen & Associates, Alex Cavanaugh of Howard & Howard, Wayne State Law student Adam Blaylock, Dan McGrath of Howard & Howard, Jeff Bozell of Deloitte Tax and Stacy Johnson of Kienbaum Law Group.

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