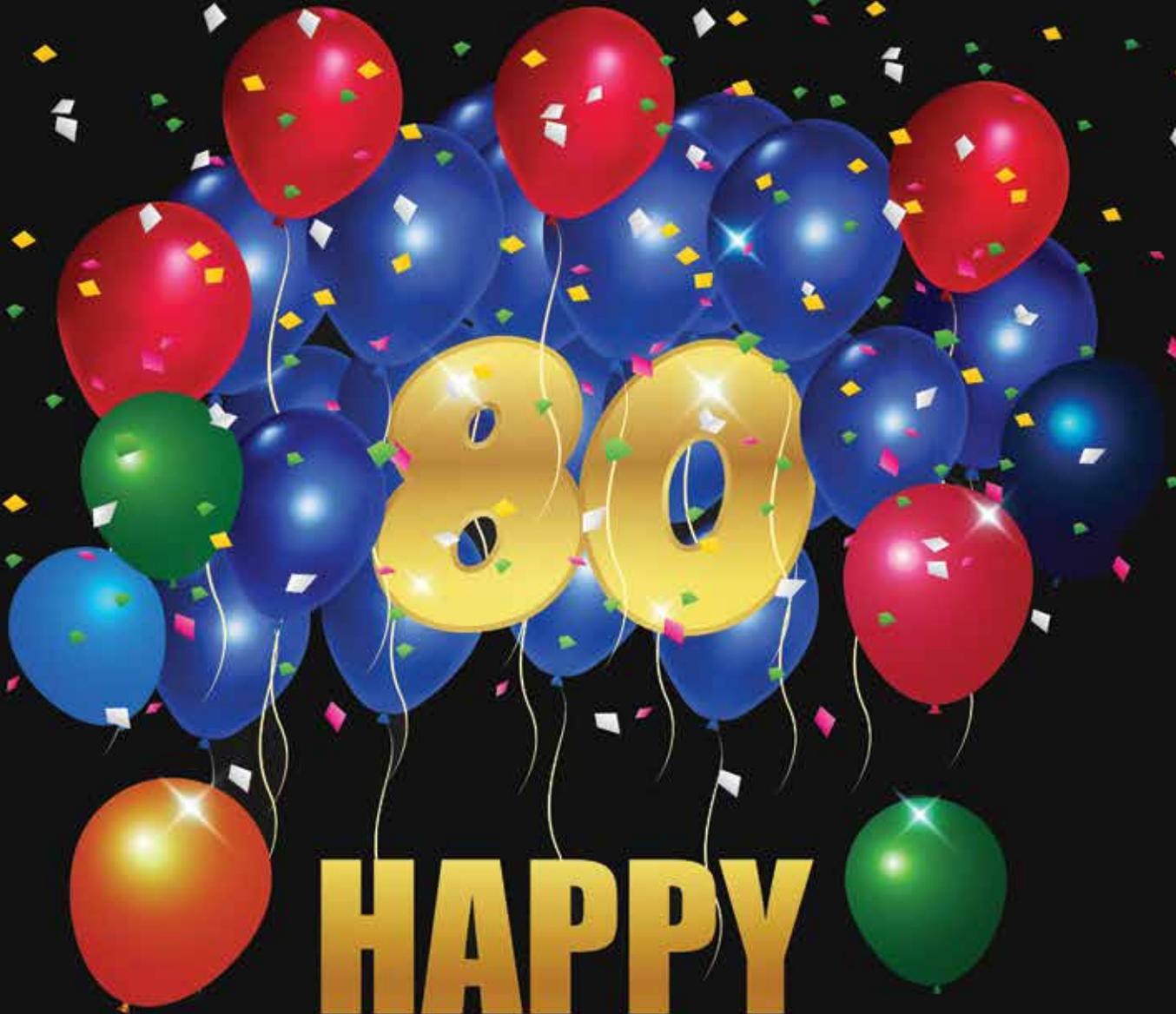


Bar Briefs

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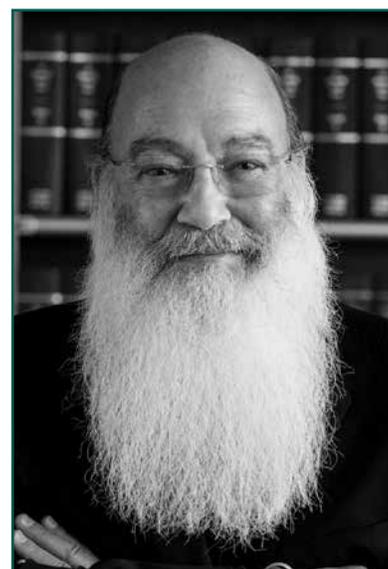
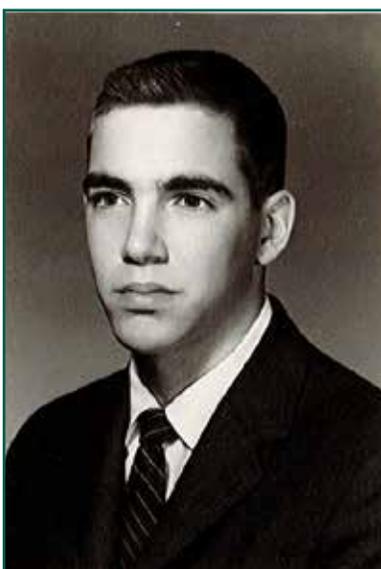


**HAPPY
BIRTHDAY**

JOSEPH A. GOLDEN

PRESIDENT OF THE MACOMB BAR ASSOCIATION

Happy 80th Birthday to the 92nd President of the Macomb Bar Joseph A. Golden



Beyond the Water Cooler

This article is reprinted here with permission from Thomson Reuters. It first appeared in the Michigan Super Lawyers Magazine in 2007.

The Macomb Bar congratulates Reginald Turner on his selection as President-Elect of the American Bar Association. He will serve as President in 2021.

No doubt, there are offices and factories where the atmosphere between managers and workers is collegial and cooperative. But the workplace can also be a tad less idyllic, marked by an *Us v. Them* divide. It doesn't take much to tip the balance from Dilbert-like bemusement to animosity.

When someone crosses a legal line, negotiating the fallout requires attorneys with a thorough knowledge of employment law, the patience to sift through conflicting stories and the tenacity to reach the best conclusion for everyone involved.

Detroit-area lawyers Joseph Golden and Reginald Turner represent opposing sides in the labor debate but share a common interest: making the workplace more harmonious.

Employee's ally watch Joseph Golden enter a room and you might, as he admits, be taken aback. At 66, Golden

has a long, full beard—now more salt than pepper—and a penchant for working in jeans. He is personable and relaxed, and laughs easily. But don't be fooled: Golden is also one of Michigan's savviest plaintiffs' attorneys in employment and labor law. At an age that might have others contemplating retirement, he recently won the biggest verdict of his career.

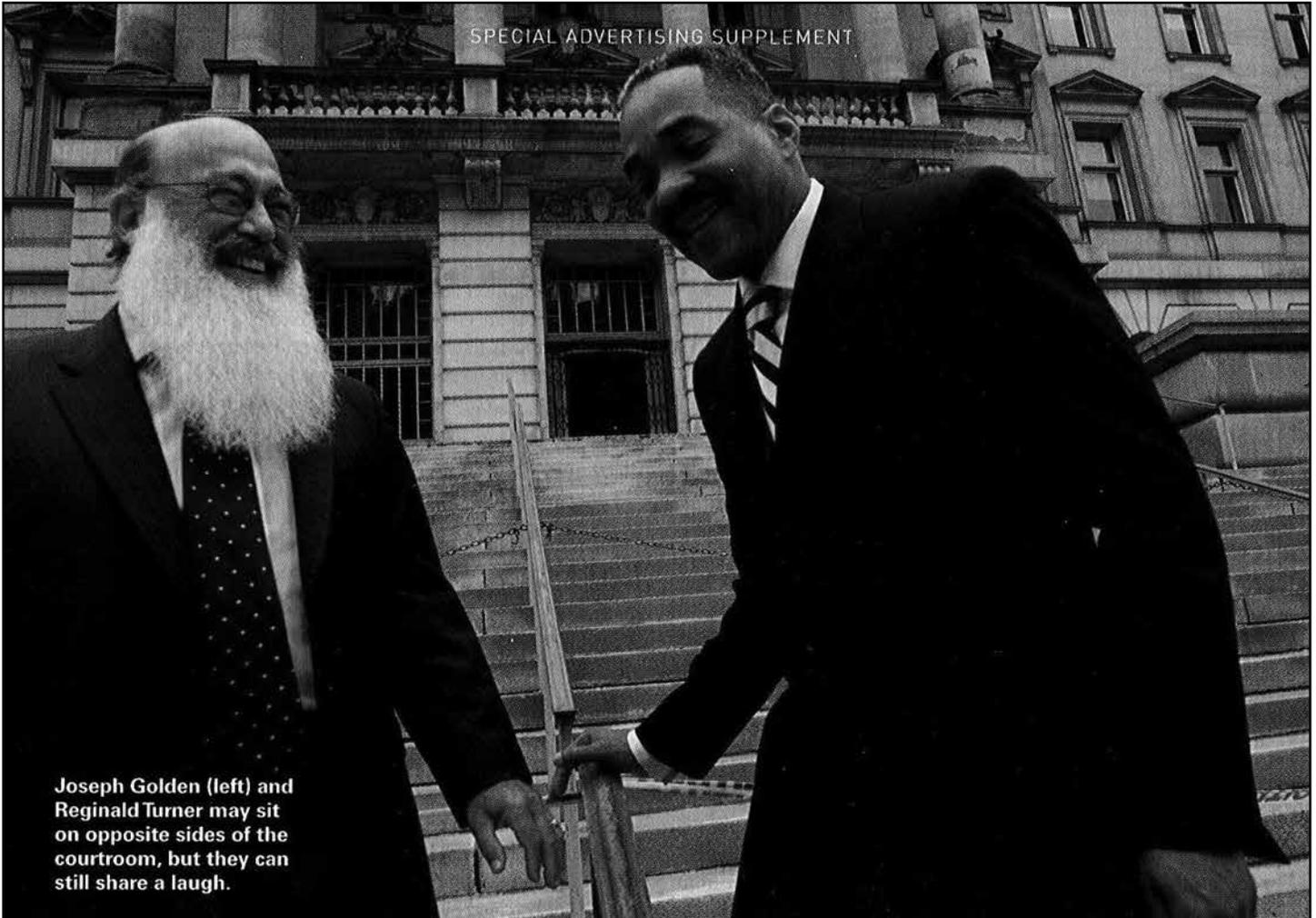
Even his adversary in that case, attorney Michael D. Ritenour, then with Thomas, DeGrood & Witenoff in Southfield, and now a solo practitioner, describes Golden as "one of the best, most honorable, most skilled attorneys I have ever encountered. And that comes from a guy who lost to the tune of \$2.4 million!"

Ritenour didn't start out so impressed. "When I first met him, because of the very long, white beard—and at the time I met him he also had a ponytail—it was very disconcerting. It leads you to think he's not going to do

well in front of the jury, that his appearance will become a focus as opposed to what he has to say. I found that not to be the case. In our particular case, certainly, the jury, as measured by the verdict, wasn't put off by him at all. I don't think his appearance became any kind of a factor. In fact, I think it becomes an asset to him, because he can use

Schwartz before joining Pitt, McGehee, Palmer, Rivers & Golden as a partner this year.

Golden has been involved in labor and employment litigation virtually from the start. It feels like a natural fit, he says. He credits his urban upbringing for his ability to communicate well with working people. "If



it to put people at ease, to joke a little bit about it."

Golden has no plans to slow down.

"I love what I do," he says. "So long as I have the ability and the capacity to meet my responsibilities to my clients, I'm going to keep doing this."

Golden's initial interest in law was sparked more by drama than debate. "I was always interested in performing," he says. "I always liked the stage, never had any problem with speaking in front of a group." During college, part-time jobs helped him discover a fondness for sales and working closely with people. Golden decided that all of these skills would "play well as an attorney."

After graduating from Wayne State University, Golden went on to the University of Detroit School of Law. After working at various Detroit-based firms and running his own practice, he spent 22 years at Sommers

you went to public school in Detroit and grew up in an integrated neighborhood, I think you've got a little bit of 'street' in you. I think that helps me tremendously."

Nowhere have Golden's legal skills been more on display than in the case of his most famous client, the late Bo Schembechler, who gained fame as a winning football coach at the University of Michigan. But it was his dismissal by the Detroit Tigers baseball team, of which he served briefly as president after leaving U of M, that brought him to Golden's door.

In 1992, Schembechler was fired via fax after only two years with the Tigers. He claimed the organization had initially agreed he would head the team until 2000. "He was to finish his working life with the Tigers, until age 70," Golden told the media at the time. "Bo was prepared to honor the 10-year commitment; the Tigers, obviously,

were not.” The parties ended up settling, to Schembechler’s satisfaction, though he did not stay on with the Tigers.

“I received tremendous notoriety in that case,” Golden says. “Not only because Bo was such a legend, but because we appeared to be opposites. One of the first things he was asked by the sports columnists was, ‘How did you find a guy with a full beard—and why?’ He had a rule for his team that they couldn’t have facial hair.” But the two hit it off from their first meeting. Schembechler had a series of appointments lined up with potential attorneys, with Golden at the top. After the two spoke, the coach canceled his other interviews. “Our

“Joseph Golden is a consummate professional who has been a beacon of light for others to follow in litigation and in supporting the work of the bar.”

- Reginald M. Turner, Clark Hill PLC

relationship was excellent,” Golden says, “and I’ll always be thankful for him coming here. To this day, people come to see me and they say, ‘Well, if you’re good enough for Bo, you’re good enough for me.’”

Though Schembechler’s case never went to trial, Golden has spent plenty of time in the courtroom over the years. That’s when he taps into his passion for performing. But over the past decade, most of Golden’s cases have settled out of court and trials have been fairly rare events. Still, when he has the opportunity, he wrings the most from the experience. In 2006, in his first jury trial since 1999, Golden won a verdict of \$2.4 million in federal court for Agnes Auvenshine.

Auvenshine, a probationary teacher at Troy Athens High School, had been rated “fully satisfactory” during her first year. Under a new principal, problems arose.

“My client contended that there were four comments made by Principal Catherine Cost that went directly to her national origin [China] as it related to her ability to be a successful teacher. For example, Auvenshine was applying for a job [at the school] for which she was certified. The job went to a woman who wasn’t certified. My client directly raised

Joe Golden has done that, and so much more. Joe, congratulations on your 80th year!

- Skip Maccarone

with Cost the fact that she thought her national origin played a role in the decision not to hire her. She contended that Cost said, ‘Well, maybe it did, but that’s my decision.’ Well, that’s direct evidence of discrimination.

“The jury not only believed that my client had been discriminated against but acquired some distaste for the principal. The award was approximately \$1.2 million against both the school district and the principal, including \$600,000 in punitives against the principal.”

Golden notes that, these days, 99 percent of his cases never go to trial. “The advent of ADR [alternative dispute resolution], which basically has forced mediation for all of these cases, has resulted in many more cases being resolved,” he says. But there may be another reason: He had two verdicts in excess of \$1

million when he tried cases in 1999. Golden believes that fact has also prompted defendants to resolve cases before they reach a jury. “Which is why I say the Auvenshine verdict helped me significantly,” he says with a laugh.

“Maybe I won’t have to try another case for seven years.” Then he pauses, reflecting. “I did some of my best work in that case. It made me feel that, although I’ve been

Joe Golden is one of the best plaintiff labor and employment lawyers in Michigan and my friend for over 50 years. He is respected by all good lawyers . Happy Birthday Joe!

- Bob Vercruysse, Clark Hill PLC

doing this for close to 40 years, I hadn’t lost any of my skills. That’s important, because I enjoy this practice. The only thing that would really alter my desire to practice is if

I felt my skills were diminishing.”

One-time adversary Ritenour says, “Joe Golden knows what he’s doing. His word is his bond. He’s a genuinely decent guy. It’s rare that you encounter somebody in our profession that you can say all those things about—especially when you’ve lost.”

Backing the boss
Defense attorney Reginald Turner, 47, also specializes in employment and labor law, but with a different client: the employer. Turner and Golden haven’t crossed career paths, but if they did, they might find they have a lot in common: Both grew up in Detroit, graduated from Wayne State and started their careers representing employees.

Turner, a partner with Clark Hill and the immediate past president of the National Bar Association, represented unions for 10 years. At Clark Hill, which he joined in 2000, he represents employers. “I believe my previous experience is valuable to my clients,” he says. “I understand the issues from a variety of perspectives.”

Clearly, Turner’s background gives him insight into employer/employee disputes. But it was a career move that many plaintiffs’ attorneys, including Golden, can’t imagine making.

“There were two principal reasons why I made that switch,” Turner says. “First, I wanted the intellectual challenge of growing my practice through representing clients on the other side, in the business community.

I’ve known Joe for over 40 years, both as a friendly colleague, and a tough opponent (we both practice employment law, Joe mostly on the Plaintiff’s side, and I on behalf of employers). Joe has always been an honest and principled advocate. When we opposed each other, it was with the knowledge that he would be tough but keep his word and not engage in “fast” practice. I wish Joe a happy birthday and success as president of the Macomb Bar!

- Thomas G. Kienbaum

Kienbaum Hardy Viviano Pelton & Forrest, PLC

Second, I began developing a government-relations practice, and I saw Clark Hill as a very good base from which to grow that practice. Its labor and employment group was very strong and, with a lot of work by a lot of folks, it has become even stronger today.”

His employer-clients are glad Turner made the move.

“I first met Reggie 20 years ago or so, when he was a summer intern here on the GM legal staff,” says Frank Jaworski, managing attorney for labor personnel matters at General Motors. “So I’ve known him since he was in law school. ... He has the temperament and personality to be effective with both his client as well as with the opposition.”

Neither side of the employment debate was originally on Turner’s radar. “At an early age, I wanted to be a police officer, like my father,” says Turner, whose

I first encountered Joe Golden in 1972. I was a poor dumb country kid fresh out of law school. Joe represented unions and I represented employers and we have remained adversaries to this day. However, Joe taught me a lot about practicing law and we became and remain friends. If Joe Golden gave you his word you could take it to the bank.

Be well my friend and Happy Birthday!

- Len Givens, Miller Canfield P.L.C.

father once served as Detroit's deputy chief of police. Then a job at United Parcel Service during his undergraduate years triggered Turner's interest in labor and employment relations. He went on to the University of Michigan Law School, taking all the labor- and employment-law courses he could.

Turner has seen his two interests—law enforcement and the law—intersect in the employment arena.

"I've had a number of trials over the last few years for a municipal employer in which we've defended decisions to discharge police officers who were violating employer policy—and, in some cases, violating the law," says Turner. "In one case, a police officer was hanging out with the wrong crowd. The matter came to a head when it was discovered that one of the members of this crowd was a person who was wanted by his department." The officer, says Turner, didn't reveal the man's whereabouts to his police agency. "In another case, we were able to uphold the discharge of a police officer with a substance-abuse problem that was affecting his work. Despite repeated chances, he had failed to correct the problem.

"As the son of a police officer, I understand the importance of the code of ethics for law-enforcement officers."

While representing defendants these days, Turner is committed to improving the workplace for everyone.

"The law is pretty well settled," he says. "Employers know what they can and can't do." Where there is confusion on an employer's part, Turner and his team offer assistance, "to help them create a work environment that is free of bias and provides employees with equal employment opportunities.

"Occasionally, mistakes occur. A great deal of my value to my clients is helping them to correct the mistake so they can continue to manage their core business rather than spending time litigating matters."

Like Golden, Turner sees most disputes settled before they come to trial.

"I think the trend toward alternative dispute resolution has been good for our clients in many cases," he

"I had my first case with Joe approximately 30 years ago. I have always found him to be affable, approachable and completely professional. Joe can also be rather inventive when it comes to finding a solution to issues/problems that impede a settlement. The only problem I have ever had with Joe (and I have told him this to his face) is his penchant for believing that every case he has is worth \$1,000,000 or more. Seriously, Joe is a great role model for younger attorneys who may be trying to figure out how to practice law."
Happy Birthday!

- William Moore, Clark Hill PLC

notes. "I'm finding, however, that lawyers and clients are re-evaluating the efficacy of alternative dispute resolution for certain types of cases." Turner questions whether mediation offers the same protections for both sides in more traditional settlements or trials. "It's possible that the pendulum may swing back a bit toward conventional litigation."

Regardless, it seems inevitable that workers and their bosses are destined to continue finding themselves on opposite sides of many issues as they confront a mutually uncertain future. "Labor and management have both been challenged by the globalization of the economy and the opportunities it provides for growth, along with the obstacles created by the need to change old practices in order to meet global competition," Turner says. Rising health-care costs and the need for more efficiency are among the challenges.

These are particularly significant issues in the dramatic ebb-and-flow economy of the metro Detroit area. The automotive industry is a prime example of a sector that has struggled to stay afloat.

"Growing up in southeastern Michigan gives me a unique perspective on the way labor and employment law impacts the economy and the quality of life in the region," Turner says. "In order for our manufacturing industry to be

healthy and provide jobs, there has to be a delicate balance between creating a good quality of life for employees and ensuring that employers can receive a return on investment that will allow the industries to continue to be viable.”

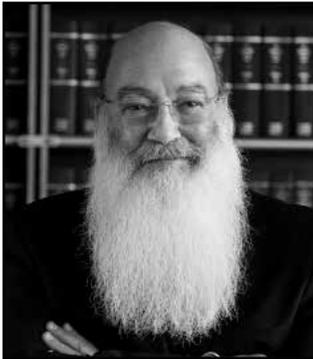
Turner also has a passion for equality—which has inspired civic and political activism.

“Reggie is certainly a leader in the community,” says Casandra Ulbrich, senior director of development at Wayne State University and an elected member, along with Turner, of the Michigan State Board of Education. Ulbrich points to Turner’s opposition to a proposed ban on affirmative action, which was on the ballot when he ran for

the Board of Education. “He risked his own political race to help out in this other cause that he felt so passionately about,” says Ulbrich.

Despite a long list of civic activities, Turner never takes his eye off the ball. “Employment and labor law is just a fascinating area,” he says. “In addition to the dollars-and-cents issues, there are human stories involved in almost every case. While the issues are complex, they never take you too far away from people.”

On that point, Reginald Turner and Joseph Golden see eye to eye.



The Study of Law

*By Joseph A. Golden,
President of the Macomb Bar Association*

One of the last large gatherings I attended before the pandemic hit was my grandson’s high school graduation from Utica Community Schools. Each valedictorian, having maintained a 4.0 or above, had his / her name, college and major area of study announced to the audience. Out all those smart kids, forty five in numbers, no one declared pre-law as an undergrad major. A year earlier, same high school, older granddaughter, this time thirty-five valedictorians, only one pre-law – my granddaughter.

Over two years, one out of one out of eighty – why? What have we done or failed to do as a profession that has intelligent young adults at least in my sampling, looking for careers in medical research and engineering, but not law?

Is it the image? The public sees and hears too much of Michael Cohen and Rudy Guliani, and not nearly enough of Ruth Bader Ginsburg? Certainly, every profession has its own bad actors. So, I don’t see those two guys as the reason my grandchildren’s peers have no interest in being lawyers.

So why no interest? I believe kids today have no idea what a lawyer does or could do. Unless they’ve had an opportunity to live or work with an attorney in their formative years, how could they know? Although they’ve been going to a doctor since they could

remember, young people usually don’t form that type of bond with a lawyer and that doesn’t necessarily change once they’ve reach adulthood. Many of my clients ages 30-50 had never been to an attorney before our meeting. All of this leads to the question: What will this Bar Association do to improve the image of this honorable profession in the communities we serve?

Answer: We’ve already started. Last year, before Covid-19, your Bar Association had agreed to assist the Romeo Community Schools in 1) Establishing a curriculum and 2) Providing professional expertise to facilitate the establishing of an academy for pre-law education and law enforcement within their K-12 programs.

Although that project has been slowed by the pandemic it is a clear indication that the Macomb Bar Association is prepared to invest it’s collective expertise and make considerable individual commitments to the Romeo Schools and other school districts within Macomb County for the betterment of the citizens we serve and the profession we respect.

Stay safe.

Joseph A. Golden