The voice said, 'Prosecution is a numbers game'

By Michael G. Brock

The dinner stretched out over four or five hours, and my back began to bother me at some point from sitting that long, although not as much at the time as it would in the following days. Anyway, it wasn't just the meal; I'm getting too old for schlepping a gym bag through airport security, and have to break down and buy a backpack, or something that moves on rollers. It just seems so

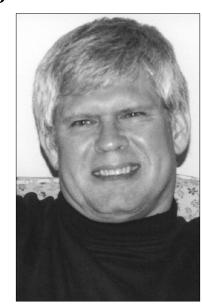
The days when he argued politically charged cases are behind him and we have a decidedly different relationship than the one we had when we would sometimes face each other in court. You might think a dinner that went on that long would have involved some drinking, but, to my recollection, the only person to have a drink was his date; neither my S.O. nor I drink at all, and I've never seen him have more than one. No. it was just interesting conversation between a former prosecutor turned defense counsel, an expert witness, a U.S. Treasury Department lawyer, and someone with no connection to the legal system.

"Prosecution is a numbers game," the voice said, "Prosecutors don't generally take on cases they don't expect to win, and once they take it on they don't give too much consideration to the possibility they could be wrong. Their egos and their reputations are invested at that point and it would be decidedly inconvenient for them if the defendant turned out to be innocent. They often have political aspirations and their conviction record will help get them elected. Consequently, they might prosecute some cases that seem trivial, or for which there is poor evidence, but are cases of a nature that a judge or a jury would be inclined to convict, while they choose not to prosecute a more serious crime in which they believe the defendant to be guilty, but for which they aren't sure they can make a strong case.

"A good example is felony child support case. If such a case is referred to a prosecutor, they will always choose to prosecute, and will win 100% of the time. All they have to prove is that the order was issued and it wasn't paid. Those are the only relevant facts and nothing else matters. Moreover, what kind of scumbag doesn't support his kids? The fact that he might not be able to find a job is irrelevant. CSC cases are sexy (no pun intended). Who would you rather put away, someone who committed bank fraud (boring), or a sexual predator? This is a get tough on crime culture; no one gives you points for discovering exculpatory evidence halfway through a trial and moving to dismiss the charges, even though that is the ethical thing to do, and, of course, what some prosecutors will do-but not all."

My mind went back to a couple of cases I had researched years ago. One involved a prosecutor who didn't want to allow a priest to testify about a murder that had been confessed to him by a now deceased gang-member, for which an innocent man was serving a life sentence. [i] The other was the now infamous New York Central Park Jogger case, where even after Matias Reyes confessed to the vicious attack as the lone assailant, and his DNA and only his DNA matched that found on the jogger, police and prosecutors still insisted that the innocent teens they had railroaded into confessing in contradiction to all the physical evidence were also complicit in the attacks. They had even attempted to intimidate filmmaker Ken Burns and interfere with free speech by subpoening him and trying to suppress the documentary he was making about the incident. [ii]

The police had briefly spoken with and released the perpetrator that very night, facilitating his committing additional rapes and at least one homicide because they had someone they could blame the crime on. And therein lies the dual-edged sword of false prosecution—convicting the innocent and ruining their lives, and letting the guilty go free to victimize others. Much is made of the lack of moral foundation of defense attorneys, who inevitably must represent at least some guilty clients, getting them off on a technicality, while nothing is said of the same tactics when used to convict the innocent. However, the nature of prosecution is inher-



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ently different, as their sole purpose for existence is to protect the I started 50 years ago - my job innocent, and the prosecution of those they believe to be guilty is merely a means to that end.

Therefore, law enforcement

and prosecution must be held to a higher standard. The fact that their purpose is noble does not exempt them from moral behavior in seeking that end. In fact, no one ever commits an atrocity in the name of evil. it is always in the name of the most noble and sacred causes. No lessor light than Winston Churchill found reason to praise Adolf Hitler's positive effect of restoring Germany's pride after its defeat in WWI, "I have always said that if Great Britain were defeated in war I hoped we should find a Hitler to lead us back to our rightful position among the nations." [iii]

The Voice went on to address

my concerns about the clearly unconstitutional "Dear Colleague" letter of 2011 and offer his insights. "The idea probably did not originate within Obama's administration, but he knew he would be up for reelection in 2012, and would need the feminist vote to get him there. And he taught constitutional law, so he must have been aware of the problems related to this kind of executive overreach, but he probably calculated that it would take some time to work its way through the courts, and that several things were likely to happen: first, he would be out of office before it all began to unravel; second, legislathe ruling and make it more difficult to undo the Department of Education Office of Civil Rights overreach, and: three, there was a America. This agreement became high probability that Hillary Clinton would be the next president, and appoint liberal justices to the High Court, making it less likely that the statutory version of the ruling would be overturned.

"Moreover, there is something of a conspiracy between the Left and the Right in politics that is allowing these encroachments on constitutional protections. The Left is in the process of criminalizing as much male behavior as they can in an effort to solidify feminist rule, and the right just wants to criminalize everything so they can run on a law and order platform and continue to get reelected. Police and male prosecutors may or may not subscribe to the fashionable ideology that males are inherently less moral, but they certainly understand that feminism is the tail wagging the dog, and that they earn points by arresting and prosecuting males, and "protecting" females, regardless of the facts of any given case. Hell, even judges know that if they get a reputation as being pro-male a campaign will be waged to remove them from office and replace them with someone who is politically correct. [A local female judge] had that boomerang on her a couple of years ago when she leaned on a guy who wasn't the father to pay 30K back child support for a child that she knew wasn't his, and expressed outrage at the media for reporting the injustice, [iv] but such cases are rare. Generally, the media will spin the story in favor of the woman."

From my time as an expert in family court doing child custody and forensic interviews, as well as handling hundreds of domestic violence cases at the district court level, I was aware that feminists had systematically pursued legal action as a means of gaining both power in domestic relationships and in divorce actions. Once a man has been charged with domestic violence he will be offered a plea to make it go away, vs. experiencing a protracted and

expensive court case, and the evi-(See BROCK, Back Page)



Economic reflections on the North American Free-Trade Agreement

By John F. Sase, Ph.D. GERARD J. SENICK, SENIOR EDITOR JULIE GALE SASE, COPYEDITOR

"I had a huge advantage when was secure. I didn't have to promote myself. These days there's far more pressure to make a mark, so the temptation is to make adventure television or personality shows. I hope the more didactic approach won't be lost."

—David Attenborough, British journalist

During the past five months, I (Dr. Sase) have documented an imaginary conversation with the American Polymath R. Buckminster Fuller while standing on the envisioned bridge of Spaceship Earth. We considered many bigpicture issues of our past, present, and future existence as well as the growth upon our planet. Descending from the bridge, I view a changed country that has resulted from an unexpected national-election result and a new manner of governance. Following the first few weeks of presidential orders and controversies, we have before us a cornucopia of topics that we need to address as responsible professionals in the fields of Law and Economics. Therefore, we will focus on an important one of these topics, the matter of the North American Free-Trade Agreement (NAFTA). This remains close to many of us in Southeast Michigan, both within our cultural hearts and our wal-

The NAFTA Briefing

treaty signed by Canada, Mexico. and the United States that created a trilateral trade bloc in North effective on January 1, 1994, during the Clinton Administration. It superseded the Canada–United States Free-Trade Agreement between the U.S. and Canada that was signed by President George H. W. Bush and Prime Minister Brian Mulroney on January 2, 1988. Recently, I received a copy of a document titled "NAFTA Briefing: Trade Benefits to the Automotive our new administration could Industry and Potential Consequences of Withdrawal from the automotive suppliers and manu-Agreement" by the Center for Automotive Research (CAR) that was published late last year (Kristin Dziczek, Bernard Swiecki, Yen Chen, Valerie Brugeman, Michael Schultz, and David Andrea, CAR, Ann Arbor, MI, 2016: for those readers who have a deeper interest in this topic, download a PDF of the full 19page report at http://www.cargroup.org/?module=Publications&event=View&pubID=148). This work is worth reviewing in respect to the imminent dispute arising as to whether the United States should renegotiate the NAFTA or abandon it completely. Therefore, a careful read of real facts rather than misleading "alternative facts" is necessary in order to avoid economic disruption and decay in Detroit, Southeast Michigan, and beyond. In this column, then, we will present a condensed overview of this report as well as some personal comments and insights on the

Experiences with the Center

for Automotive Research Should we trust the work produced by the Center for Automotive Research? Personally, I have had the privilege and pleasure of working with a few of the researchers at CAR in my capacity as the Urban Economist for the Great Lakes Global Freight Gateway (GLGFG) initiative, which was started by Dr. Michael Belzer at Wayne State University. For more than five years, the GLGFG has focused on the creation of a quarter-million sustain-



John F. Sase

gan and Southwestern Ontario through the further development of our multi-modal transportation systems and the prospect of hightech warehousing and freighthandling. We have relied upon the high-quality research, data, and analysis that we received from the CAR. Though they have obvious connections to the automotive industry, this team maintains a clear objectivity in respect to the work product that they deliver.

Facts about the NAFTA

Since 1994, the NAFTA has helped to expand the United States/Canada Automotive Products Agreement. In so doing, it included Mexico in our continental reduction or elimination of trade tariffs. In respect to the automotive industry, the goal has been the optimization of supplychain production and vehiclelocation of supplier and finalproduct manufacture in a geographic system that minimizes both production costs and shipping costs. In this way, our domestic automotive industry remains globally competitive. Currently, U.S. firms are no longer the Big Three. Rather, they are part of a Big Six in the world marketplace—General Motors, Ford, and Fiat-Chrysler as well as Toyota, Nissan, and

Recent changes proposed by have major ramifications for all facturers doing business in North America. Though the thirteenyear old NAFTA is less than perfect and may benefit from numerous improvements, it has enabled manufacturers to deliver a product mix of vehicles that is demanded by consumers and delivered at an affordable price. In addition, the NAFTA supports global supply-chains with costcompetitive materials that are not available within the United States. The effectiveness of the original agreement can be updated in order to meet current global-market conditions. However, a withdrawal from the NAFTA could cripple the U.S. automotive industry and have a negative impact on domestic job growth.

The globalization of the automotive industry has resulted in the development of a complex industrial web that has spread throughout the world. As a result, offshoring and nearshoring to minimize costs that are subject to other constraints has translated into lower prices for consumers as well as a better return on capital for investors. Nearshoring the sharing of interconnected supply-chains throughout the Canada/Mexico/United States region of North America—is a newer concept that grew out of the NAFTA. Any changes in the NAFTA affecting nearshore automotive production could undermine supply-chain employment in the United States because rising costs may induce a transplant to more distant offshore locations. Not only do the elements of the industrial supply-chain able jobs in Southeastern Michi- centered in the U.S. serve our

Big Three, but they also serve many non-domestic producers as well. The primary driver acting throughout this web appears as the repeated movement of intermediate products back and forth across our northern and southern borders.

The CAR briefing states that some components cross our borders as many as eight times before reaching the point of final assembly. Furthermore, this supply-chain web not only serves firms that sell finished vehicles in the United States. With its cross-border movement, this web also serves non-domestic producers that have plants in Mexico. The producers deliver their total Mexican output to countries other than the United States. This part of the supplier industry is increasing because the greatest percentile of foreign nationalcapacity growth has occurred in Mexico in recent years. Approximately 90 percent of the new investment made in Mexican light-vehicle assembly plants is by Japanese and European producers. Due to the connectivity to the cross-national supplychain, an increase of 500 jobs in Mexican plants may translate into a growth of more than 500

jobs in the United States. The six major automakers with plants in Mexico that produce vehicles for the U.S. market have developed their global-manufacturing bases to a point of maturity. The following is a list of these firms by order of total plants and measuring by percentile in global locations: Toy-24 plants, has maintained 43% of its capacity here; Nissan, with 33 plants, has only 13% here; Ford, with 20 plants, maintains 38% here; Fiat-Chrysler, also with 20 plants, has 35% in North America; while Honda, with 20 plants, has located 29% of its capacity here. If vehicle imports from, and supply cross-haul with, our two neighboring countries, Canada and Mexico, become limited, the industry has adequate capacity outside of North America. Therefore, major segments of the industry can choose alternate locations for assembly while prompting their primary supplychain firms to move elsewhere in

To Be or Not to Be? The CAR brief cites China and Eastern Europe as the most likely destinations for supplychain and assembly plants to be relocated. However, let us consider an imaginary, hypothetical, but plausible alternative scenario. The abandonment of the NAFTA leads to the relocation of major elements of the North-American supply-chain and vehicle production to Ukraine. Russia succeeds in their plans for controlling Ukraine, including the Crimean peninsula. Furthermore, Russia develops the ports of Illichivsik along the western Ukranian coast south of Odessa and Serastopol in southern Crimea. President Vladimir Putin enters the global automotive industry with little direct investment by Russia. Of course, new hotels and casinos would need to be developed in order to draw an international

clientele to the region. We can only hope that such

deals do not present any conflict of interests for our president. Though many words enter my (Dr. Sase's) mind to describe such a deal, I am but a "socalled" economist. I must defer to my colleagues in the field of Law (with their "so-called" iudges) to find more precise legal terms to describe such a deal. However, without a NAFTA disruption, light-vehicle productioncapacity in the United States is projected to grow by 11% by 2023, though Canadian capacity is expected to remain flat. The greatest percentile growth in capacity will be in Mexico by a factor of 45%. Overall, capacity within the NAFTA region is projected to grow by 17%--from 19.3 million units in 2016 to just over 22.5 million by 2023. Employment in the U.S. can

grow at small plants within the

supply-chain web in numerous towns that are located along the rail-and-trucking routes of North America. Therefore, further capacity-growth within the industry can be expected to have a positive effect on the U.S. job market. In part, this growth would result from an increase in the U.S. content of vehicles that are imported from our two NAFTA neighbors. For vehicles imported from Mexico before 1994, U.S. content was only 5 percent. Today, that content has increased to 40 percent. Ergo, the larger employment picture for the North American industry is fed by both domestic and internaota has a total of 44 plants but tional production. To the surprise The North American Free- manufacturing operations. The only 17% of its capacity in North of few, higher-wage jobs requirtion would be initiated to statutize Trade Agreement (NAFTA) is a strategy used has allowed for the America; General Motors, with ing advanced education and experience have shown the greatest gains since 1980. Meanwhile, the purchasing power of lowskilled workers with a secondary education or less has experienced a loss of 1% per year since that benchmark year. This translates into a loss of more than one-third of the income needed to preserve the standard of living that these workers enjoyed in 1980. For many families, the answer has been for an individual to work a second job or to rely on other household members to cover the difference.

These insights may help us to pull together the NAFTA controversy. Our new administration in Washington, D.C. has asserted that NAFTA is responsible for the loss of American jobs. Though the NAFTA speech plays well to a core audience of low-skilled jobseekers, this approach misleads the public. While production increased in the United States by 17.6% from 2006 to 2013, factory jobs decreased by 13%. It has been widely noted that 88% of these job losses are due to automation, software development, and related factors. Meanwhile, many employers in manufacturing have stated that they need qualified workers for sustainable employment. Economists refer to the resulting problem as Structural Unemployment. Though low-skill jobs will remain in existence, the sustainable employment that brings more income and better lives for families requires a slightly higher degree of knowledge and

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skillset as determined by global competition.

A Personal Experience and Thoughts on the Matter

Through the 1990s, I (Dr. Sase) served as Head of Research for the Machinist Training Program at Focus:HOPE in Detroit. Many of the machines used today resemble those used a half-century ago. However, the significant change has been an upgrade of technology. A worker on the shop floor using milling machines, lathes, and other standard tools requires a higher level of Math and computer skills than a comparable employee of a half-century ago in order to do setup, production, and quality control.

At Focus:HOPE, we faced the challenge of helping candidates to acquire the knowledge and skills that they needed. Many of the applicants with whom we worked either had dropped out of high school or had been away from school for a decade, working at jobs that required only rudimentary abilities. Unlike many educational programs, we needed to meet them halfway. However, they needed to meet us halfway as well. Colleagues at Focus: HOPE had determined that the minimum requirement was a High School or a General Education Diploma. Though this level was required, not all students had done well during their secondary education. With this consideration, we found that we could work with them effectively if they tested at a level of at least 9th grade Reading and 10th grade Math.

Students were told that they

needed to "show up and show up on time" every day because potential employers demanded this behavior. The program focused on classroom learning and shop-floor experience. The length of this arduous program was 10 hours per day, five days per week, for 10 months. Twothirds of the candidates completed the program and earned a certificate in Basic Precision Machining. At this point, they were sustainably employable in a modern factory. Our follow-up research indicated that those who completed the program and entered the field of Manufacturing repaid the cost of the program within 3.5 years. Over their remaining work-life, these graduates would repay the cost more than 13 times over. We measured their accomplishment through the increase of income taxes paid and the reduction in food stamps received. Our institute became a model for a number of similar "welfare-to-work" programs around the country. For more detail, see the publications "Probit Analysis of Focus: HOPE's MTI Program 1991 & 1992, 1994," and "Net Benefits of Focus: HOPE's Machinist Training Program, 1996," both published by Focus:HOPE with support from the Aspen Group and Foundation Mott (www.focushope.edu).

A Takeaway

If the NAFTA comes to an end, some of us may experience short-run gains. However, a longterm approach to repair NAFTA may produce greater affluence and stability for our larger society. I hold the opinion that dumbing-down our manufacturing industries to match the current skills of our citizens to whom the current administration has promised jobs would be a deadend. This approach only can lead to economic deterioration and to the loss of even more jobs due to our globally competitive economy. Also, corporate welfare that creates jobs that do not pay for themselves may be a faster track to disaster. In contrast, an investment in rebuilding our industrial workforce will lead to greater security and affluence for those in need of sustainable employment as well as for the country as

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Victim finds carjackers were wrongly out of prison

DETROIT (AP) — Two Detroit carjackers sentences for carjacking and a series of are back in prison after their victim went online and found they'd been mistakenly

Local and federal authorities are pointing fingers over who's to blame. Brittany Guerriero, the woman who had to get her own justice, said she's frustrated and doesn't "trust the

system anymore.' Guerriero told the Detroit Free Press that she went online in November and found Kendall Kelly and DeMarcus Catlin had been released from federal prison. They were sent there first because their carjacking convictions in state court violated their probation in an unrelated case in federal court.

Kelly and Catlin then were supposed to go to a Michigan prison last year to serve their crimes. Catlin faced at least nine years, while Kelly, who also pleaded guilty to seconddegree murder, got at least 25 years in prison.

But they were never transferred. Kelly was free for almost five months before he was arrested in North Carolina in December. Catlin was captured in Detroit after nearly seven

Guerriero alerted authorities in November after looking up the men's names. There was nothing on the Michigan prison website.

The Wayne County prosecutor's office said federal authorities should have checked to see if Kelly and Catlin had to be returned to state custody. But the government said the prosecutor's office didn't notify the U.S. Bureau of

"If there's no detainer on file, then there's nothing to warn anyone to hold them. ... It happens. People are human," said Rob Watson, a deputy U.S. marshal in Detroit. "They reached out to us. We grabbed 'em up and put 'em back in jail."

Guerriero was carjacked in 2014 while moving into a Detroit apartment. She played an active role in the investigation and spoke at their sentencing, forgiving the men and even accepting a hug from Catlin's mother.

She has moved back to the suburbs, unnerved by the crime and also stung by rising

"Who else have they accidentally released?" Guerriero said. "That's what keeps going through my head, over and over and over

February

17 National Business Institute will present a seminar on "Protecting Assets While Qualifying for Medicaid" on Friday, Feb. 17, from 9 a.m. to 4:30 p.m. at Holiday Inn Express & Suites Southfield-Detroit, 25100 Northwestern Highway in Southfield. This course will provide an overview of asset protection concepts and strategies that elder law attorneys can use to legally and ethically protect assets while facilitating earlier Medicaid eligibility; and a set of crisis-management tools to prevent and correct inadvertent loss of benefits. Cost is \$359 which includes audio CD and course book. To register, call 1-800-930-6182 or visit www.nbi-sems.com.

19 The D. Augustus Straker Bar Association, the Wolverine Bar Association, and attorney Angelique Strong Marks will present A Taste of Soul Food **Reception** followed by a showing of the film "I Am Not Your Negro." The event will take place Sunday, Feb. 19, at the Royal Oak Main Theater, 118 North Main Street. The reception begins at 3 p.m. with the movie showing sharply at 4:15 p.m. The Black Royals (Royal Oak's black owned businesses) will also be showcased during the event. Tickets cost \$8 and can be ordered online at http://strakerlaw.org/event-2460901 or by calling 248-470-1822.

21 The Rochester Bar Association will host its next meeting on Tuesday, Feb. 21, from 11:45 a.m. to 1 p.m. at Rochester Mills Beer Co., 400 Water St. in Rochester. Michael S. Hale, of Michael S. Hale & Associates PLC, will speak about insurance requirements provisions in contracts. For questions about the lunch meeting, contact RBA President Martha J. Olijnyk at 248-841-2200.

21 The Oakland County Bar Association's Criminal Law Committee continues its Anatomy of a Criminal Case-Year 18, a brown bag lunch lecture series, with "The Charging Process" featuring attorney Jason D. Pernick on Tuesday, Feb. 21, from 11:30 a.m. to 12:30 p.m. at the Oakland County Bar Center in Bloomfield Hills. The pre-registration fee for OCBA members is \$10 per lecture. The seminar fee for all non-members and walk-ins is \$20 per lecture. For additional information or to register, call 248-334-3400 or visit www.ocba.org.

23 Tired of trying to figure out the best way to persuade judges to grant motions? Hear how to do it firsthand at the Consumer Bankruptcy Association's "Motion Practice—Dos and Don'ts" seminar on Thursday, Feb. 23, at the Iroquois Club, 43248 N. Woodward Ave., Bloomfield Hills. Attendees will hear the best tips on drafting motions and briefs, the most (and least) persuasive arguments. U.S. Bankruptcy Court Judges Marci Mclvor, Daniel Opperman, and Maria Oxholm will offer their best tips on how to subtly (and not so subtly) sway them. The program begins with registration and cocktail hour (cash bar) from 5 to 6 p.m. Dinner and presentations take place from 6:30 to 8 p.m. Cost for CBA members is \$35; non-members pay \$50. Space is limited to 80 attendees. Online registration is available at www.cbadetroit.com.

 $m{23}$ Family and friends of Judge Kaye Tertzag will host the Eighth Annual Tertzag Tribute Dinner from 5 to 9:30 p.m. on Thursday, Feb. 23. The dinner will be held at the Park Place Banquet Hall, 23400 Park St. in Dearborn. The Tertzag Tribute Dinner Committee is pleased to announce that Wayne County 23rd District Court Judge Geno Salomone is the 2017 recipient of the Purple Sport Coat Award. Michigan Supreme Court Justice David Viviano will be this year's Tertzag Tribute Dinner keynote speaker. The evening will close with a Sambuca toast, a tradition started at Judge Tertzag's memorial by his daughter, Kara Tertzag Lividini. Attendees are encouraged to wear purple to the event; those wearing purple will be entered into a drawing for a door prize. Tickets are \$40 and include dinner and an open bar. Table reservations are also available; one table seats eight people and is \$320. Checks should be made payable to: Tertzag Tribute Dinner, LLC and sent to 412 Berwyn, Birmingham, 48009. Spouses and significant others are welcome. This event will sell out and space is limited. Direct questions to Kara Tertzag Lividini at

313-645-9511 or ktertzag@gmail.com.

Calendar

24 The Wolverine Bar Association, D. Augustus Straker Bar Association, and Black Law Student Association at Wayne State University Law School will present the "Stoney the Road We Trod" Detroit Bus Tour on Friday, Feb. 24. The program will take a look back at African Americans in the law. The bus tour departs at 1 p.m. from the Damon J. Keith Center at Wayne Law, 471 W. Palmer in Detroit. After the tour will be a video presentation, speakers, and networking reception. Space is limit-To register, wolverine.bar.assn@gmail.com.

28 The Federal Bar Association (FBA), Eastern District of Michigan Chapter, will host the Wade Hampton McCree Jr. Award Luncheon on Tuesday, Feb. 28, beginning at 11:30 a.m. at the Westin Book Cadillac, 1114 Washington Blvd. in Detroit. The Wade H. McCree, Jr. Award for the Advancement of Social Justice honors individuals or organizations who have made significant contributions to the advancement of social justice. These contributions may include advancing social justice in areas involving poverty, promoting economic or educational opportunity, or fighting discrimination involving race, gender, ethnicity, national origin, religion, or economic status. Cost for the luncheon is \$35 for members and \$45 for non-members. Register online at www.fbamich.org.

28 The State Bar of Michigan will present a seminar, "Lawyer Trust Accounts: Management Principles & Record Keeping Resources," on Tuesday, Feb. 28, from 1:15 to 4:45 p.m. at the State Bar of Michigan Michael Franck Building, 306 Townsend St. in Lansing. This half-day ethics seminar will feature presentations on how to manage lawyer trust accounts, including how to effectively use forms, checklists, and other record keeping resources. Organizers say the event, which is open to lawyers and their staff, is an excellent way to learn how to comply with Michigan Rules of Professional Conduct 1.15 and 1.15A. The registration fee is \$50 for lawyers and \$25 for non-lawyers. The registration deadline is Feb. 24. No "walk-in" registrations will To register, www.michbar.org/trustaccounts. For additional information, contact Karen Spohn with the State Bar of Michigan Professional Standards Division at 517-346-6309 or by e-mail to kspohn@mail.michbar.org.

March

2 The second "semester" of OCBA U continues at the Oakland County Bar Association offices in Bloomfield Hills. Titled "Court Rules," these seminars provide a unique primer for best advocacy practices in Oakland County courts according to the court personnel who work there. Each seminar will begin with a judicial staff attorney who will cover pretrial matters and effective motion practice. The second part of the each seminar will be a moderated panel of sitting judges discussing best practices in oral advocacy and the dos and don'ts of practicing in their courtrooms. This series continues Thursday, March 2, at 6 p.m. when Jacob Cunningham, staff attorney to Judges Mary Ellen Brennan, Jeffrey S. Matis, and Karen McDonald, outlines procedures on Oakland County Family Court. Fees for the "Court Rules" series are \$40 per seminar for OCBA members and \$80 for non-members. Register online at www.ocba.org/events.

2 The University of Detroit Mercy School of Law's Office of Alumni Relations will host the annual McElrov Lecture on Law and Religion Thursday, March 2, from 5 to 6 p.m. in Room 226 at the Detroit Mercy Law campus, 751 East Jefferson Ave. in Detroit. The lecture provides a forum for prominent thinkers and leaders to address fundamental issues of law and religion. This year's lecturer is Intisar A. Rabb, a professor of law at Harvard Law School and director of its Islamic Legal Studies Program. Rabb also holds an appointment as a professor of history at Harvard University and as the Susan S. and Kenneth L. Wallach Professor at the Radcliffe Institute for Advanced Study. A complimentary reception in the atrium will follow lecture. Register online www.law.udmercy.edu.

BROCK: 'Prosecution is a numbers game'

(Continued from page 3) dence required is negligible—any mark resulting from the encounter.

Even if there are no marks or both have marks, the police officers will say, "Well, one of you has to come to the station." Men will typically become chivalrous at this point and allow themselves to be arrested. What they don't understand is that by doing so, and especially by taking a plea, is that they are putting themselves at a disadvantage in all future litigation; which, if it occurs during a divorce action, often results in them being removed from their homes and being allowed limited or no contact with their children. Even that bastion of Liberalism The Huffington Post, acknowledged as much:

"While meant to act as a safety mechanism in cases where domestic violence is present, the ease of obtaining an order of protection and the instant benefits it provides the alleging party has created a system ripe for abuse. In fact, up to 70 percent of cases involving allegations of abuse during custody disputes are deemed unnecessary or false. Clearly, protection orders that are meant to offer protection for those in serious situations are now being used as a weapon to turn the tide in divorce; a weapon that overwhelming targets men." [v]

Most importantly, there are rarely any consequences for false allegations of abuse, and when there are consequences, they are never equivalent to the damage they cause. Take the case of Brian Banks, who was falsely accused of rape by a classmate while he was a star football player at Long Beach Polytechnic High School. [vi] Ultimately, he was talked into taking a plea by his attorney, doing five years in prison and another five on a tether. In the meantime, the woman who falsely accused him got 1.5 million from a lawsuit she filed against the school district. The fact that she lied was uncovered in a sting set up by an investigator hired by Mr. Banks. The woman had the audacity to contact Mr. Banks after he was released from prison and request that he "friend" her on Facebook. She wanted to "let bygones be bygones!" [vii]

He was exonerated and his

record was erased, but he had done the time and though he has been able to make an appearance in a professional football game, it will never be known if he could have been a contender. Wanetta Gibson, his accuser, committed at least two felonies, one by filing a false police report of a felony, and a second by defrauding the school system and insurance company of 1.5 million dollars, but her punishment was only to pay 2.6 million dollars in damages and reparations [viii]. No one really thinks that she will pay it back, and even though the debt may prevent her from every having credit or owning a house, it won't substantially interfere with her lifestyle. But what about charging her, you might ask?

"What I find interesting is that the DA's office sought a conviction of Banks without any physical evidence except Wanetta Gibson's word. You would think obtaining a rape conviction would be a tough case to prove, but the DA's office pursued charges against Brian Banks, whose defense attorney talked him into a plea deal out of fear that a jury would assume Banks was guilty because he was a big black teenager.

With regards to Wanetta Gibson's false statement in which she was paid \$1.5 million?" writes Barney Greenwald, on the Community of the Falsely Accused website, "Los Angeles prosecutors have said it is unlikely Gibson will be charged with making false accusations, saying it would be a tough case to prove. Let that sink in. The DA had no problem on their side; the alleged victim charging Brian Banks where there was female and the alleged perpewas no physical evidence in a he trator was a large black male. The

said/she said case where some of the things she was saying did not make sense. For instance, no DNA was found in her rape kit because she said Banks 'wiped the semen off with a towel.' Any DNA expert would say that makes no sense. Sounds like a pretty difficult case, right? But, when it comes to prosecuting a woman who admitted on tape that no rape or kidnapping occurred, the DA believes that is a 'tough case to prove.' Therefore, they cannot bring charges against her." [ix]

By comparison, a man whose only crime is not being able to pay child support (and, of course, there are those who can, but don't), will

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do prison time. This unequal application of the law, when the damage to the victim of the false allegation is very clear, does nothing to detour others from making such claims when they know the worst that can happen will not limit their freedom, and when the upside is obvious. Besides the money, she can expect sympathy and attention. You don't have to be B.F. Skinner [x] to know that creating a category of crime for which there is a huge upside and a very low probability of any repercussion is going to encourage people to commit that crime.

Reinforcing criminal behavior by stating that half the population (males) can be expected to behave in an immoral way, and that the other half (females) can be expected to behave morally "believe the victim"), and that this propaganda should be substituted for the centuries long development of due process, is also a sure fire prescription to insure that injustice will prevail.

But perhaps the most disturbing part of this story is that the prosecutors knew that Gibson was lying, at least about important details of the case. She had told investigators that Mr. Banks had ejaculated inside her, but the rape kit showed no evidence of semen. There was in fact no physical evidence of criminal sexual conduct, despite allegations of both vaginal and anal rape, but that made no difference to either the prosecutor or defense counsel. Prosecutors knew that jury sympathy would be average American gets their news from TV, and the only time a black male can be the victim under the politically correct views espoused by "Law and Order" and the evening news is when the perpetrator is a white male. In a contest between a black male and a female of any color, she will presumed to be telling the truth and he will presumed to be the aggressor.

Prosecutors know this, and they should—since it is their obligation to protect the innocent—not charge when there is no evidence and the jury is likely to be biased against the defendant. Instead, they smell opportunity, an easy win, especially when the defense attorney is court appointed and makes as much or more on a case by pleading the defendant's life away as by actually studying the case and mounting a defense. If they think he's innocent the prosecutor might offer him a "good" plea deal, like they did Banks. But they will still have the conviction. In the win at all costs world of American law and politics, that is all that matters.

[i]http://www.nytimes.com/200 1/07/25/nyregion/testimony-ofpriest-and-lawyer-frees-manjailed-for-87-murder.html

[ii]http://observer.com/2012/1 0/after-botching-central-parkfive-case-city-goes-after-filmmakers-who-told-the-tale/

[iii]Churchill by Himself, the "People" chapter, Hitler, page

[iv]http://www.wxyz.com/news/ voice-says-man-must-pay-30k-inchild-support-for-kid-who-is-not-

[v]The Blog, 11/18/2015, http://www.huffingtonpost.com/jos eph-e-cordell/false-allegations-ofabus b 8578086.html

[vi]https://www.youtube.com/w atch?v=oMpy8V236Yo

[vii]http://www.cotwa.info/201 2/06/bygones-be-bygonesunspeakable.html

[viii]http://www.nbclosangeles.com/news/local/Woman-Falsely-Accused-Brian-Banks-Rape-Ordered-to-Pay-26M-211689741.html

[ix]http://www.cotwa.info/2016 /01/brian-banks-lawsuit-seeks-21900000.html

[x] The Founder of the Behavioral School of Psychology

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(Continued from page 3) a whole. I encourage each of our readers to study the sources mentioned above and to urge Congress to take this bipartisan approach that has been proven to

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