

March 2012

Issue: 2

Welcome to Hogwash!

Thanks to everyone who commented on our first issue of Hogwash! the Rosi & Gardner email newsletter. We're glad you're enjoying the newsletter. This month we've got some articles on points of law that could have a direct effect on you.

We'd love to tackle issues that interest you so please make suggestions for future issues. This month we're talking about Collaborative Divorce, new rulings that may affect the coverage you get from title insurance and issues of free speech. Of course we have some legal humor - sent to us by one of our readers and another recipe for you to enjoy. In future issues we'll talk about limits of liability, oil, gas and mineral rights, leaving a legacy and many more significant legal issues that affect the lives of those of us who

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live, work and play in Northern Michigan.

Send your lawyer jokes or suggestions for the newsletter to info@rosigardner.com.

True or *Hogwash!*

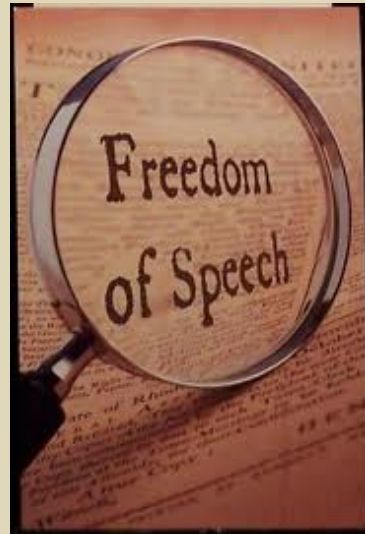
Are False Statements Considered Free Speech?

The U. S. Supreme Court will decide whether Freedom of Speech extends to an individual, an elected public official, who falsely and publicly claimed to have been an ex-marine who had rescued an American ambassador and was awarded the Medal of Honor.

The question before the Supreme Court is if the First Amendment protects such a person from prosecution for violating the Stolen Valor Act. Individuals convicted of violating the Stolen Valor Act can be sent to prison for as long as a year. The Court of Appeals that overturned the original conviction of the individual said "If false factual statements are unprotected, then the government can prosecute not only the man who tells tall tales of winning the Congressional Medal of Honor but also one who falsely claims he is Jewish or the dentist who assures you it won't hurt a bit."

Reportedly Congress, the White House and veteran's groups all consider false military claims uniquely harmful.

What do you think?



Lawyer Jokes

Wise Sayings

"Go out on a limb. That is where the fruit is."

Jimmy Carter

"One moment can change a day.
One day can change a life. One life
can change the world."

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Is Your Pet Legal? Odd Pet Laws May Put You in the Wrong.

Pets with tail lights, bells on black cats on Friday the 13th, barking restrictions and bird rightaway on public highways.

These are just a few of the oddball laws involving pets and pet owners that are on the books around the country.

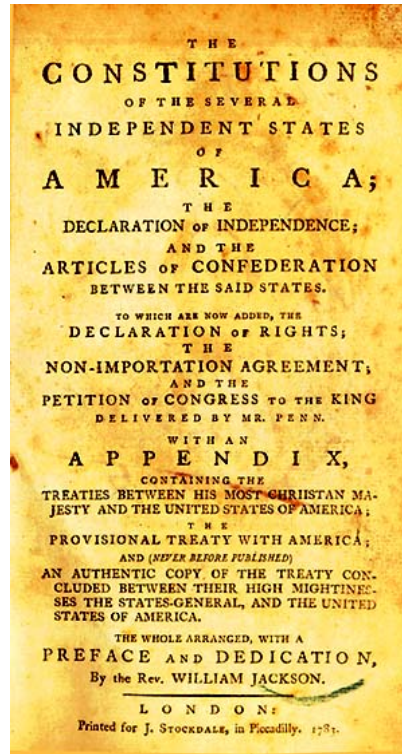
An Anniversary That Warrants Recognition

March 1st is the 231st anniversary of the ratification of the Articles of Confederation.

In these days of stormy political rhetoric, while the Constitution adopted September 17, 1787 is often referred to, the Articles of Confederation are rarely, if ever, mentioned.

Initially enacted by the Continental Congress on November 17, 1777, at the beginning of the Revolutionary War and ultimately ratified on March 1, 1781 before the war was over, the Articles of Confederation established a framework for a weak alliance of 13 free and independent states with a bicameral legislature (one body) the Congress, in which each state had one vote with delegates appointed by the legislatures of each state, not elected by the citizens. Congress had no authority to raise taxes to fund the war or other governmental expenses. Instead, it could only request funds to pay for the expenditures of the United States, to be shared and apportioned among the states, based upon the real property value in each. However, Congress had no way to enforce payment.

The states generally ignored the admonition of John Jay, who in 1779 was president of the Continental Congress and later the first chief justice of the Supreme Court, that taxes were the price of liberty, the peace and safety of yourselves and your prosperity. As a result, the Congress was forced to simply print money that had ever-declining value which ultimately spawned the expression "not worth a Continental."



Here in Michigan, Reed City has an ordinance making it illegal to own a pet bird if you are also a cat owner.

The law carries a \$25 fine for violators.

That's just one of many odd pet laws that have made it onto the books around the country.

[Click here](#) to learn more about unique and someone surprising laws that could involve you and your pets.

Title Insurance; are you protected?

If you're a homeowner, chances are you purchased title insurance when you bought your home. It's customary that the seller obtains title insurance to protect the purchaser, who is named as the insured.

A title insurance policy often contains language that excludes coverage for items that have previously been recorded for the

The Articles of Confederation had no provision for an executive, no provision for a president, and no provision for a judiciary and no tax base.

Congress had no authority to raise an army or navy. It was so dysfunctional that after the Treaty of Paris was signed in 1783 to end the Revolutionary War, Congress had no power to require the attendance of state delegates to ratify the treaty. The result: it took about six months for the delegates at their own convenience to finally get together and ratify the treaty to end the war.

Reports from that era quote a contemporary observer's comment that "The Articles of Confederation was admirably constructed to create a great number of great men," all of whom were situated in the government of the several states and not in the central government. Congress had no authority to regulate either foreign trade or interstate commerce. Instead, each state dealt with trade issues with both Spain, France and England, often to the detriment of others.

The experience of the founders was that a weak central government, coupled with the continuing problems with Great Britain, Spain and France forced several of the founders of the country, including George Washington and Alexander Hamilton to convince Congress to call a constitutional convention. The convention met in Philadelphia to remedy the long term crisis that led ultimately to the drafting and adoption of the Constitution as we know it today, exclusive of the many amendments that began with the Bill of Rights which was ratified December 15, 1791.

property.

Those items can include any recorded lease, grant, exception or reservation for oil, gas, mineral, underground storage and disposal rights. Or it may be any other rights, interests and estates in what's below the ground and all rights attached to the property and inherited with it.

In a recent case, it appears that the title examiner missed an important reservation or restriction which was a matter of record. An appellate court found that the title insurance company was not liable because the exclusion was a matter of contract between it and purchaser. Under such circumstances one may question the value of a title insurance policy.



Divorce Without Court?

Well, almost. Sometimes divorce is unavoidable. Whether you find yourself involuntarily facing divorce, or compelled to start the process, you have two options for handling your divorce. You can give control to the Court or you and your spouse can control the process, and the outcome through a process called Collaborative Divorce.



In a Collaborative Divorce, each spouse is represented by an attorney trained in collaborative divorce practice. The spouses, guided by their collaborative counsel, work through the legal, financial and emotional issues, through a series of "4-way meetings" and consultations with Divorce Coaches, who are mental health professionals. Only after the spouses have reached agreement regarding all issues, both child-related and property-related in signed documents, does one of them file a complaint for divorce with the court.

Collaborative divorce does NOT require that the spouses have reached agreement on all terms of their divorce. Collaborative divorce is structured process that the spouses agree to use to resolve, between them, the issues that they cannot agree upon.

Some courts have even indicated a willingness to shorten the normal "waiting period" if both counsel certify that the parties have used a true Collaborative Divorce process and have resolved all issues by agreement although in most cases the court's normal time line for granting a divorce decree must be honored and certain formal court procedures must be completed. What's different with collaborative divorce is that from the point of filing, the divorce can truly be called uncontested. Ultimately, the court's order is required to dissolve the bonds of matrimony, confirm by court order the agreements of the two divorcing spouses' agreements and ensure that any the children's interests are adequately protected. But until that time, during the "waiting period," the spouses may even go ahead

and begin reshaping their respective lives according to the terms of their agreement.

Learn more at: <http://www.rosigardner.com/divorce-and-family-law/collaborative-divorce/>

Karen's At Home Cookin'



This recipe is inspired from a memory (a former downtown restaurant had a similar dish) and my simplified use of French cooking technique - lots of butter and wine! The combination of tarragon, roasted walnuts and goat cheese is the magical touch.

This is a meal for the weekend, when we can allow ourselves indulgence - because we've worked so hard all week and deserve it. Take your time, drink wine, and use your own instincts for individual taste (adjust, adjust). Make it special, light a candle, add flowers to the table . . .

Pasta & Chicken w/French Tarragon Sauce

Ingredients:

Bag of pasta
3/4 C dry white wine
1 stick butter
3-4 tbsp honey
juice of an orange
½ onion
2-3 garlic cloves, minced

1 C Organic chicken broth
Sea salt, fresh ground pepper
Tarragon
5 oz Goat cheese
1 C Walnuts

2 large chicken breasts

1 C cream

Preparation:

Cut chicken breasts into strips, dip in milk, then dip in flour sprinkled w/Alden's Spice Mill Miracle Salt (or a good sea salt and pepper). Fry in butter until browned. Transfer to oven (low heat), pour honey & orange juice over chicken & cover. Keep the heat on low while you prepare the sauce.

Pour excess butter from pan, add a little olive oil, saute onion & garlic until soft. Deglaze w/dry white wine (let the "goo" clear), add stock and cook it

down (at least 20 minutes at a simmer). Pour in cream. Add chicken and liberally sprinkle w/tarragon. Careful to keep heat low, don't let the cream boil. You'll know when you have the right consistency. Roast walnuts (I hope you have a cast iron pan), add a little salt, pepper, tarragon, butter to the nuts while roasting. Just a few minutes to get the flavor out.

Plating:

Pour chicken & sauce over your favorite pasta (I like penne). Top w/goat cheese and roasted walnuts. Add more tarragon if you like. Extra kick, a little olive oil & balsamic vinegar.

Accompaniments:

Have it with a good sour dough bread and orange marmalade. A nice bowl of raw cukes & onion in white vinegar, a little water & sugar, sprinkled w/chives & pimento.

Desert: Biscuit cookies w/ nutella, orange slices, thinly sliced sharp cheeses and strong coffee.

*Tarragon Trivia: Originating somewhere in the Far East (known as "little dragon," a reference to its root system), it is believed to have been brought to Europe from Mongolia and Siberia by invading Mongols in the 13th century. By the 15th century, it was popular enough in England to make its way to the American shores with the colonists. The good wife more than likely packed this sweet herb with her husband on his way to Philadelphia to make history. Tarragon has long been known to provide relief for toothaches (the ancient Greeks chewed it because of its ability to numb the mouth), for digestive problems, as well as acting as a mild sedative to help relieve anxiety and stress.

Lawyer Jokes

Who Says Lawyers Don't Have a Sense of Humor?

Humorless lawyers? Not at Rosi & Gardner. We like lawyer jokes so much that we collect them. We'd love to hear your favorite lawyer jokes too.

Just send them to info@rosigardner.com.

We'll review them and use the ones that are fit to print in future editions of the newsletter.

At year's end one of the printed submissions will receive a special prize.

This month's lawyer joke comes to us from newsletter reader and former Traverse City resident Briant Sikorski.

The Pope and a lawyer were in car accident and showed up at the pearly gates together.



St. Peter greets them at the pearly gates and takes them to the homes where they will spend all of eternity. They get into St. Peter's holy vehicle and head on down a gold road, which turns into a platinum road, which turns onto an even grander road paved with diamonds, to a huge mansion with wine, women and song where St. Peter turns to the lawyer and says, here is your home for the rest of eternity, enjoy! And if there is anything you need, just let me know.

Then St. Peter took the Pope to his home, back down the diamond studded boulevard, down the platinum highway, down the street of gold, down an avenue of silver, along a stone alley and down an unpaved footpath to a shack. St Peter says "Here you go" and goes to leave when the Pope says "Waitaminute!, how come the lawyer gets the big mansion and I get this shack?" I'm the Pope!

St. Peter says: "Well, Popes are a dime a dozen here, but we've never had a lawyer here before."

Rosi & Gardner, P.C.



**Rosi & Gardner, P.C.
735 S. Garfield Avenue
Suite 202
Traverse City, Michigan 49686**

231-941-5878

Website

Philip R. Rosi

A handwritten signature in black ink that reads "Philip R. Rosi". The letters are cursive and fluid, with a prominent loop on the 'P' and a long horizontal stroke at the end.

Email Philip

Gary Allen Gardner

A handwritten signature in black ink that reads "Gary Allen Gardner". The signature is cursive and includes a long horizontal stroke at the end.

Email Gary

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