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## Family Law: How local legal lineages make it work

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Metro Detroit commuters practically need two hands to count the number of billboards they see on their way into work featuring Bernstein family patriarch Sam and his three children, Mark, Richard and Beth.

“The dream of every parent is to live in the shadow of their children, and I’m living in the shadow of my kids,” Sam Bernstein says of his progeny, all of whom are continuing the history of their lawyer-filled family.

Sam’s father, Mandell, and his three brothers were attorneys. So was Sam’s mother-in-law, Estelle Koblin Nelson, one of Michigan’s first female lawyers who, Mark points out, passed the bar when Sandra Day O’Connor was 3.

Maybe it’s genetic, or maybe there’s something in the water of the childhood homes of local lawyers who have gone into practice with their mothers, fathers, sisters and brothers. But surely all relationships between members of local legal families aren’t always as sunny as those of the Bernsteins. After all, families are one of humanity’s greatest blessings and damndest curses.

“Each one of us in my family has unique strengths, and it makes practicing as a family easier in that regard,” says Mark Bernstein, Sam’s eldest son, of the divide-and-conquer mentality that makes the Bernstein and other family firms run so smoothly.

Such a strategy ensures that the siblings get a chance to be independent practice managers

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while still relying on one another to ensure the entire firm's success.

It's a path followed at the Findling Law Firm in Royal Oak.

"When our office was created, we felt it best that we each defined a particular area on which we would manage the practice group," says Darren Findling, the youngest brother of fellow attorneys David and Daniel, all of whom practice alongside father Fred at the firm in Oakland County. "And it allowed us to grow the area without stepping on or competing with anybody else in the family."

The dividing line is particularly sharp at Femminineo Attorneys in Mount Clemens.

"Practicing with your family is such a love/hate relationship," says attorney David Femminineo.

He and older brother Jacob Jr. embrace an extreme division in their shared law practice.

"We do not, under any circumstances, handle each other's cases," David says.

The Femminineo brothers are the yin and yang of legal siblings, differing on everything from the types of cases they take and how they handle them (David's strictly personal injury, single-handedly juggling 200 open cases; Jake's the first to say he "hired another attorney to get out of" his 150 pending divorces) to their after-hours schedules (David heads home to his family; Jake, who prefers travel to children, makes the rounds schmoozing county political figures as a Macomb Charter Commissioner and past president of the Macomb County Bar) to the liquor they drink (David beer, Jake scotch).

"We're an absolute set of opposites that work in incredible harmony," David says.

The brothers guess that if their father, Jacob Sr., who died of a heart attack 13 years ago, were practicing with them at their Main Street firm, he would fall directly between his sons' extremes.

"My dad was an attorney's attorney. He was a man of his word," Jake says, and he and his brother have inherited that sentiment. "If we're going to say something or do something," Jake begins,

"You can count on it," David finishes, "Take it to the bank."

Macomb County Circuit Judge David Viviano, who grew up with David Femminineo and now partners with him on the golf course, explains that the closeness of the Macomb County legal community heavily influenced him, his older sister Kathy and younger brother Joe into following their father, Macomb Circuit Judge Tony Viviano, into the law.

"Just being around it, and not just him, but a lot of our friends' parents," David begins.

"One of his best friends is David Femminineo," his father chimes in.

"See what we have to deal with?" David says, turning to his father, and asking, "Can I just answer it for myself? Being around lawyers at social functions," he finishes.

Joe enters the conversation with, "That said, there's no question that it's a testament to my dad that three of the seven children became lawyers. I think it's directly attributable to him

and how much we admire him and respect him. That's a big reason why we do what we do.

"Wouldn't have been too hard for you to choke that out of your mouth," Joe fires at David.

"What, are you running PR for Dad?" comes his brother's reply.

Members of several of the local legal broods point to watching their parents and relatives practice law as the reason why they followed in the family footsteps. Mark Bernstein recalls going to take measurements at accident scenes with Sam, a practice he's continued with his own 5-year-old son. Daniel Findling read witnessdepositions on the stand in federal court at 16.

"There really was never a question," Mark Bernstein says of why he, "Ricky" and "Bethie" joined the bar alongside their father. "There was a sense of obligation, a sense of respect and that really motivated all three of us."

For Steven, Michael, and Jacalen Garris of Ann Arbor's Garris, Garris, Garris & Garris (the fourth, or perhaps first, is for their late father Jack, who passed away in 2005 at age 85) the career path laid out by their father was "you're going to college, you're going to law school, you're going to work with me," Steve says.

"I wanted to take a break between college and law school and work at a ski resort or something, and my parents said, 'You can do that after you're done,'" says Jackie, the youngest, deadpanning, "Right."

"You all wanted to be ski bums if I would've let you," says their mother Helen, who at 83 still does the firm's taxes and helps take care of the books.

"I get mad at them because I'm the little sister, I'm the only girl, and sometimes they tease me," Jackie continues. "I have to follow them around to talk to them sometimes. It's not much different here than on the outside."

Harper Woods appellate attorney Mike Szymanski, the second of longtime Wayne County Probate Judge Frank Szymanski's seven children, earned a reputation on the playground as someone who could help iron out disputes. The four eldest Szymanski boys are now all attorneys: Patrick is a top labor lawyer in Washington, D.C., while Frank and David are both judges in Wayne County, David in probate court and Frank across town at the juvenile court's Lincoln Hall of Justice.

Sitting around a Northville conference table with the Stempiens—brothers Ron, Marvin and Greg; Marvin's daughter, Lisa; Greg's son, Eric; and Laura Bertus, sister of Greg's wife, Wayne County Circuit Judge Jeanne Stempien—is like being a guest at Thanksgiving dinner, offering a peek into how their familial relationships factor into their professional lives.

November 2007 was the last time the whole family gathered for a holiday meal, where "the main issue was the contents of the turkey dressing," cracks octogenarian Ron, still practicing in Trenton.

It's rare for a minute or two to pass without a similar quip from someone at the table, inspiring a chorus of deep, throaty cackles.

The distance that developed between the three Stempien brothers as they finished law school

and started families kept them from forming one consolidated law firm, but they continue to influence each other's careers around Metro Detroit.

"It may not be the super Stempien firm, but we've all worked for one another at one point in time in one capacity or another," Bertus says.

Greg served as older brother Marv's law clerk while attending Detroit College of Law and Lisa, Eric, and Ron's son, Tim, all spent time clerking in Marvin's Wayne County Circuit courtroom. Over the years, a total of 16 members of the Stempien clan have worked in the law in some capacity.

"For me, one of the really nice things is I've got all these different people I can call to get unvarnished legal advice from," Eric says of the benefits of practicing together. "And with other lawyers, you just never know what you're getting from a lawyer. I can call my Uncle Marvin or my Uncle Ron or I can walk over to my dad's office or I can call anybody and say, 'Hey, have you faced this problem before?' And people who've practiced for fifty some years now generally have probably faced that same problem that I'm dealing with."

Despite their different practices, the Findling family embraces a similar team approach when tackling legal issues.

"There's a lot of capital that's inherent in working with your family," Darren says. "There are never issues of trust. We know that our family will be looking out for each other without having to look over our shoulder."

It's a sentiment echoed by brother Daniel.

"If there's inherent trust, it works ultimately," Daniel says. "If there's not, it's not gonna work. Once you get through all the sibling stuff and the fighting, if you trust the people and respect the people that you work with in your family, it's gonna work even if you disagree. And sometimes we vehemently disagree, but we still trust each other."

It's also sometimes nice just to have some company.

"If you're all by yourself as an attorney, it becomes very difficult," says Tony Viviano, who spent many years in solo practice before moving to the bench.

Going it alone is "a very hard life out there," according to Dave Szymanski. His two older brothers shared office space but ran separate practices for the better part of a decade.

"You can feel very isolated, and sometimes you just need somebody to fall back on," says Szymanski. "It's not necessarily a safety net where you can make any mistakes you want to and they're gonna bail you out, but it's just knowing that somebody's out there you can bounce an idea off of or ask them for assistance. We just do it. We would do anything for our brothers."

The politics of a "traditional business environment are different," Daniel Findling says.

"At the end of the day, you're not going to sell your brother or your father out."

"But on the other hand, it's different from being in a traditional setting because it can be a lot more raw," says Daniel Findling of the flip side of lawyering together. "So it's a trade-off where you don't have the traditional corporate environment and corporate one-upmanship and this and that, which might be for jockeying for a position. We're less concerned about that, but at

the same time you have to deal with the fact that maybe you're still pissed off at some childhood incident or something like that."

Nevertheless, those petty sibling squabbles from back in the day sometimes don't get checked at the door each morning.

"Our partner meetings, like any partner meetings, can get heated, because we bring our histories. They can go from a partner's meeting to a family squabble in an instant," Darren Findling says.

Highs and lows may be common in every law firm, in every business, but family changes everything.

"I think if you asked most lawyers, you're gonna find a tremendous amount of them are unhappy with what they're doing, almost depressed. We're the opposite," Daniel says. "I mean that honestly. I love the results, I love the conflict, I love solving problems. And I know I share the same with my father and my brothers in that sense."

And in the end, isn't each profession a family unto itself, particularly one that's as social-oriented as the law?

"Lawyers, I mean I love lawyers, but they are a different breed, they talk a different language," says Judge Tony Viviano, whose three children enable him to enjoy being part of both the legal family and a family of lawyers.

"Now when I talk to them, I'm talking to colleagues and equals," the elder Judge Viviano continues. "I'm not talking to my daughter Kathy, I'm talking to a lawyer."

*By Taryn Hartman*



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