



MICHIGAN Bar
Journal

SHORT-STORY CONTEST



What do you get when you cross an emancipated walleye with an acrobatic music teacher, a neurocognitively impaired man praying for a miracle (and his money), and a lawyer facing his ultimate client? You'd get this year's four winning stories—perhaps the most diverse group since our inaugural contest in 2007.

But first, a small disclaimer: publication of a fictional story featuring attorney vigilantism should not be construed as endorsing such conduct, however understandable that impulse may be when the machinery of the law seems inadequate to achieve the end of justice. Like Justice John D. Voelker, we believe that “[t]he very slowness of the law, its massive impersonality, its insistence upon proceeding according to settled and ancient rules—all this tends to cool and bank the fires of passion and violence and replace them with order and reason.”¹

As in previous contests, the authors' names were withheld and their stories were evaluated by a panel of five judges (see sidebar) on originality and writing quality in preliminary and finalist rounds. This year's 31 entries were narrowed to 14 finalists (see http://www.michbar.org/publications/bar_journal).

Charles Regan Shaw had a serious case of beginner's luck, earning top honors with his first entry in any writing contest. “A Fish Tale” cleverly analogizes a walleye ensnared on a lure to a troubled youth caught in the criminal justice system. Despite his vivid depiction of a contemplative fishing trip—debunking the old adage that you should write what you know—Shaw says he's never fished. But like his main character, Judge Conner, he's an early riser, finding time to write “before the kids wake up and the rushed chaos begins.” Although he can't pinpoint the specific inspiration for his winning story, “I find it interesting how a judge has to balance being part of the community while serving as judge to that community,” said Shaw.

Jason J. Elmore and Mark C. Rossman were in a dead heat for second place. Elmore's “Cecil—The Music Man” waxes nostalgic for a time before the intrusion of smartphones and social media, when children were taught in one-room schoolhouses. “I saw the opportunity to use the example of how one teacher's service had a lifelong impression on the life of one student in even a small way and then tie it to a lawyer at the midpoint of his life and practice,” said Elmore. “For some of us, we need to be reminded that the value of our lives lies not in the money we make or selfish achievements we gather, rather it is in the impact we have on others.” In addition to practicing law, Elmore is a lieutenant colonel in the U.S. Army JAG Corps. He has been on either active or reserve duty for the last 18 years and was deployed to the Middle East for a year in 2013. He often wrote at night to pass time and has since published stories in the *Cadillac News* and *Michigan Runner*.

Although he's written “thousands of pages of fiction and poetry,” Rossman initially shared it with only a small circle of family and friends. “It is such a personal and challenging endeavor to formulate stories from our own minds and, when we do, it represents in so many ways who we really are.... As such, there is an inherent level of insecurity that must be overcome before publication,” said Rossman. He often draws creative inspiration from local newspapers, in particular the online

comments sections. “I had recently read a story in the paper about a 90-plus-year-old Nazi war criminal who was found somewhere in the metro Detroit area and who was actually collecting public benefits and Social Security,” he said. “In the comments section, a lot of readers were posting that the guy deserved a comeuppance—so I gave it to him in ‘The Last Bullet,’ with an eye-for-an-eye plot line, which I think resonates in the contemplation of the age-old question: what is justice?”

Third-place winner Donnelly Wright Hadden is a seasoned creative writer. Four of his stories, three of them law-related, are available on Kindle and Nook readers, and a novella titled *The Treaty* was published in 2006. “Chatting with a physician friend about psychosomatic diseases, spontaneous remissions, and ‘miracle’ cures, I remembered seeing the pilgrims at the shrine in Mexico City,” said Hadden. Combining these two concepts resulted in his story, “El Milagro de Eduardo.” Like many authors, Hadden acknowledges behind-the-scenes support, thanking his wife, Helen, for her patience, and Antoinette Ruiz Gonzalez and her son Marco Hernandez Ruiz for double-checking his Spanish idioms.

Six stories narrowly missed the winners’ circle. The judges awarded honorable mentions to the following, several of whom are repeat recipients from prior contests:

- Kyle J. Bristow, “Post-Conviction Relief”
- Jonathan J. David, “Easy Peasy” (two-time finalist)
- Robert B. Nelson, “(Dis)Appointed Counsel” (two-time winner/three-time finalist)
- John A. Streby, “The Price of a Soul” (three-time finalist)
- Geoffrey S. Weed, “Equity” (two-time finalist)
- Sharon M. Withers, “A Bad Day for Bubba”

Heartfelt thanks to our judges for the many hours spent reading the stories and for handling the contest with professionalism and integrity.

Special thanks to our generous prize sponsors: the Amway Grand Plaza, Grand Rapids; the Detroit Symphony Orchestra; the Grand Hotel, Mackinac Island; the Wharton Center, East Lansing; and contest judges Hon. Rosemarie Aquilina, Frederick Baker Jr., and Francine Cullari for financing a \$300 donation to the Access to Justice Fund in the name of one of our winners.

Most especially, thanks to our entrants, who showed that legal minds can house great imaginations. What will spark yours? Reading the winning stories on the following pages is a great place to start. ■

ENDNOTE

1. Traver, *Laughing Whitefish* (St. Martin’s Press), p 63.

Our short-story contest judges:

Rosemarie Aquilina, 30th Circuit Court judge, is the author of *Feel No Evil*, a fictional suspense novel. Judge Aquilina is awaiting publication of her second novel and currently working on her fourth novel. The first female JAG officer in Michigan Army National Guard history, she retired with 20 years’ honorable service. Former owner of Aquilina Law Firm PLC, she hosted “Ask the Family Lawyer,” a syndicated show on Michigan Talk Radio Network. Judge Aquilina is an adjunct professor at Michigan State University College of Law and Thomas M. Cooley Law School and a mother of five.

Frederick Baker Jr., a recently retired Supreme Court commissioner, is now of counsel to Willingham & Coté. He served 28 years on the State Bar Publications and Website Advisory Committee, including 24 as its chair. He taught legal writing at Wayne State University Law School and Thomas M. Cooley Law School; received Washington University’s Urban Law Annual Writing Award and two Cooley Law Review Distinguished Brief Awards; has published 17 law-related articles, several essays, several book reviews, and one short work of fiction; and has edited hundreds of articles for the *Bar Journal* and one book. He also helps to judge the annual Robert Traver Fly Fishing Fiction Award competition.

Francine Cullari is a former member of the State Bar Board of Commissioners and past president of the Genesee County Bar Association. She is chairperson of the Publications and Website Advisory Committee and has edited several theme issues of the *Michigan Bar Journal*. She has edited and written for a daily newspaper and a local bar magazine and has edited three novels. She has authored numerous professional articles, served on Law Review at Michigan State University College of Law, and teaches business law and international business law at the University of Michigan–Flint in addition to a private law practice. She was the 2003 recipient of the MSU College of Law George M. Bashara Distinguished Alumni Award and the 2014 Roberts P. Hudson Award, the highest award given by the State Bar of Michigan.

John O. Juroszek works for the Michigan Supreme Court and is a longtime member of the Publications and Website Advisory Committee. He is currently at work on a scholarly article examining the patterns and frequency of grammatical defects in the lyrics of classic rock songs, with special attention to lack of subject-verb agreement, misuse of the nominative form of relative pronouns as objects, and failure to use or random use of the subjunctive mood.

John R. Runyan practices labor and employment law with the Detroit firm Sachs Waldman. He also served for 35 years on the adjunct faculty at the Wayne State University Law School. He is on the SBM Labor and Employment Law Section Council and serves as vice chair of the Publications and Website Advisory Committee, where he oversees publication of the *Michigan Bar Journal*. He also serves on the Board of Governors of the College of Labor and Employment Lawyers. Over the course of more than 40 years as an SBM member, he has written numerous articles and book reviews for the *Michigan Bar Journal* and edited several theme issues. He also enjoys telling bedtime stories to his grandchildren, Brianna, Anneliese, Milly, and Henry.

THE HOLOCAUST

**2nd**
PlaceSHORT-STORY
CONTEST WINNER

The Last Bullet

By Mark C. Rossman

It was a miserable winter morning when they shackled Henry in the sheriff's van and prepared to escort him in through the back entrance of the jailhouse. When he stepped down from the vehicle, the slushy saltwater puddles in the potholed driveway soaked through the shoes he had polished for his sentencing, freezing his toes. His worn-out gray suit offered little protection to his thin body against the polar vortex that had swept down from the North, so he was thankful for the two overweight guards at his side, blocking the wind.

They escorted Henry inside and reluctantly performed the intake procedures. Though he had killed a man—in cold blood, no less—they knew he presented no threat. A guard ordered him to take off his clothes for the obligatory body search, but stopped him at his undergarments and did not lay a hand on him.

Henry crammed the clothes he would never wear again into a plastic bucket and handed it to the mustached guard sitting behind a high counter. He knew the guard from years earlier, when he used to visit his clients in the jailhouse. He stood in the middle of the room shivering as the guards inventoried and logged his belongings.

The guard with the mustache asked Henry to identify the items in his wallet and place them into a clear plastic bag. He cooperated. There were worn-out pictures of his children when they were still young. Wrinkled business cards. A small brass Star of David that his mother told him to always carry. A \$5 bill. Other things an old man would accumulate in his wallet.

The last item was his soon-to-be-revoked bar card. Henry stopped and stared down at the blue-and-white plastic card, which proved he was admitted to practice law. Like almost all licenses, the bar card has a number on it identifying the holder. In the universe of Michigan lawyers, this is called a “P number,” for the simple reason that it always begins with the letter P.

When the State Bar first started assigning P numbers in 1974, Henry was uneasy with the practice. He sarcastically protested by announcing himself in court not by name, but by his P number only. Up until his very last appearance in a court of law, he would say, “May it please the court, P number twenty-five double seven three appearing on behalf of the defendant, your honor.”

The guard with the mustache shook him out of his reverie. “Okay, come on now, Henry, let’s move it along. Is that it for the wallet?”

“Numbers,” Henry mumbled. “They gave my father a number.”

“Whatchu talkin’ ’bout Henry? Move it along,” ordered an impatient guard.

“Number twenty-eight eighty-nine, tattooed on his left forearm, right here,” he said, pointing to the inside of his own arm. “They couldn’t revoke that number,” Henry scowled as he tossed his bar card up on the counter. “Not until the flesh rotted from his bones.”

The guards finished their work in silence and escorted him to cell 382, where he would await transport to a more permanent and secure prison in the Upper Peninsula.

As a criminal defense lawyer, Henry had heard a lot of cell doors slam shut over the years. It sounded a bit different this time.

Years before he became a defendant himself, when he was in the prime of his practice, Henry was high on the list of attorneys who received appointments to represent criminal defendants who could not afford a lawyer. He knew several of the appointing judges well. He drank with them on alternate Fridays at the Red Coat Tavern on Woodward.

Henry and these judges had an understanding that he would get all the capital cases he could handle. In these cases, he did not consider it his job to win, but to make sure that his clients had the benefit of their constitutional protections—a fair trial, due process. Having held these ideals in such high regard, his handling of the Oskar Breyer matter was quite a surprise to those who knew him. And even to those who didn’t know him.

As time passed, the people whom Henry knew down at the courthouse became fewer and fewer, and eventually the appointments stopped coming. Once in a while, he’d get a call to defend a petty criminal or a drunk-driving charge. After a while, though, when he saw the court’s number on the caller ID, he would ignore it.

As his practice declined, Henry would nonetheless shine his shoes and put on his suit to go down to the courthouse to chat up clerks and watch the proceedings, with the hope that he could find someone who needed a lawyer. After a few years of this, Henry’s optimism waned and the ordeal became more depressing than anything else. Thus, it became Henry’s habit to spend his afternoons alone in his kitchen reading the paper and sending e-mails to his grandchildren.

One afternoon, after reading the paper several times over, he was surprised by a knock at his back door. Nobody had visited him for quite some time, so the rapping on the door startled him. Henry was pleased to find the white-haired Judge Taylor standing on the porch in his overcoat and hat. Judge Taylor was known for running a very informal court back in the day, and Henry enjoyed practicing before him as much as he enjoyed drinking with him at the Red Coat.



Henry waited until late that night to visit his client down at the jailhouse. He knew his old friend, Jack, still worked the night shift and would let Henry in after hours and without all the formalities of being searched.

They greeted each other warmly, and Henry invited him in for coffee. After some small talk, they settled in at the table.

“So what brings you out here, Jim?”

“A few weeks ago, they asked me to sit as a visiting judge on a criminal docket for some new judge who took a leave of absence for his wife’s baby. Can you believe that?”

“Never heard of that before.”

“Times certainly have changed, I’ll tell you that. I guess they always do.”

“What do they call that anyway, *paternity* leave?”

They laughed.

“It was good for me, Henry. It got me out of the house and back on the bench for a few weeks, so that judge can take all the paternity leave he wants. Fine by me.”

“So what’s keeping you busy up there? Anything good?”

“Well, things got interesting this morning.”

“Tell me,” Henry said, leaning forward.

“I’m sitting there listening to all the rigmarole—parole violations, pleas, sentencing, things like that—and then they bring in this old guy, older than us, in his 90s. I’m thinking to myself, ‘What the hell did this poor bastard do?’”

Judge Taylor gulped his coffee.

“So, Henry, it turns out he’s a Nazi war criminal by the name of Oskar Breyer.”

“What? Why is he in county lockup? Did you say *Oskar Breyer*? Are you sure?” Henry quizzed the judge.

“Yes, it’s strange. They found him living in a nursing home in north Oakland County, actually collecting Social Security, if you can believe it. Sounds like they’re not sure what to do with him for now, so the county’s been asked to hold him pending a decision about wherever he’s gonna go. They’re still trying to sort it out, just for a day or two, they say. For now, though, he asked for a lawyer

and since he’s in county lockup, I gotta appoint one. Probably not much to do. Just hold his hand for a while ‘til he gets shipped out.”

“Who are you going to appoint?”

“That’s where you come in. You up for it?”

Henry would not decline this appointment, that’s for sure.

* * *

Henry waited until late that night to visit his client down at the jailhouse. He knew that his old friend, Jack, still worked the night shift and would let Henry in after hours and without all the formalities of being searched.

The heat in Henry’s car did not work very well, and he could see his breath as he drove over the familiar roads to the jail. He listened to AM news for any updates on the story concerning Oskar Breyer. Being that it was late at night, it was the same story that Henry had already heard several times over earlier that day.

Oskar Breyer, 93, accused Nazi war criminal found in Oakland County nursing home and expected to be charged with crimes against humanity once extradited... stay tuned to WWJ for updates.

Henry parked his car behind the jailhouse and walked through the fresh snow to the back entrance.

He knocked on the locked doors, and after a few minutes, a young guard appeared. Henry asked for Jack, explaining that he was an old friend from when he used to come down to the jail a lot to visit clients and he’d like to see him for a few minutes. Irritated, the young guard reluctantly got on his radio and called Jack, who came down immediately. He was excited to see his old friend.

“Henry, it’s been forever. What are you doing here?”

“Hey ya, Jack, good to see you. It has been some time.”

They shook hands in a familiar way, and Jack told the young guard that he could go back on break.

“Geez, so what brings you down here tonight? Looks like you mean business. Got your suit on, shoes all shined up, your briefcase and all. What’s the deal?”

“The deal is that I’ve been appointed to represent one Oskar Breyer,” Henry said very seriously.

“Oskar Breyer. You don’t say? They say the guy’s a Nazi. Some group who goes out hunting those guys down after all these years caught him. What’s gonna happen to him?”



"Well, we'll just have to see now, won't we?" Henry sardonically replied.

"You always got the tough ones. Come on, let's go, I'll take you up there. He's cooling his jets up in cell block 10. That's where we put the strange ones."

Jack led him around the metal detectors, notwithstanding the overhead sign that required everyone, even lawyers, to submit to a search. They walked together down a long, dimly lit brick hallway, rode up an elevator, and then passed through doors with multiple locks. After walking down another hallway with burned-out lightbulbs, they arrived at cell number 382.

Jack rapped his baton over the bars, startling the old inmate, who was lying prostrate on the simple bed in the corner of the cell, awaiting a fate that was beyond his control.

"Henry Satouchny, meet Oskar Breyer. Mr. Breyer, your lawyer," Jack introduced the men as he opened the door.

Henry walked in and sat down on a metal chair.

"Jack, thanks, I think I'm all set. I can handle it from here. Can we have a bit of privacy?"

"Okay, for sure, then I'll leave you be, and just holler when you're ready to come out. I'll be down the hall," Jack said as he slammed the door shut, locking the two men inside the cell.

Oskar Breyer sat up and examined Henry through his round spectacles, which slid down to the tip of his pointy nose. The man was tall and strong, just as his father had described him, and though old, he appeared in good health. As Henry situated himself at the table, he was the first to speak.

"You understand, Mr. Breyer, I am your lawyer, and so anything we discuss is in the strictest confidence. It does not go beyond you and me. You do understand that, correct?" Henry said sternly, as if he were beginning a cross-examination.

"Yes, I understand that. Thank you for coming. Someone must have been spreading slander about me, for this morning I was arrested, though I had done nothing wrong. What is your name again, mister? What did he say it was, I am sorry?"

"Satouchny."

"Yes, Satouchny. Sometimes I have trouble remembering my own name, so forgive me. What is this is all about? It is like a dream. It is like I don't even exist right now. What is happening?"

Henry did not answer his question. "Since, sir, we have an attorney-client privilege, you can tell me what happened with no fear of repercussion from me, and I will give you one chance to do so."

The man raised his eyebrows, confused.

Henry calmly removed a worn black-and-white picture from his shirt pocket and handed it to Oskar Breyer. The man in the picture had a shaved head and was wearing striped prison garb. He held up a small placard with the number 2889 on it and was looking away from the camera.

"Look closely at that picture. Examine it, sir, and tell me what you see."

"I see a man...he looks like a prisoner. I do not know who it is, though."

"That's my father, and he knew you, Mr. Breyer."

"Oh, he did? Well I don't recall him, though my memory is not so good. Please forgive me."

"He damn well recalled you. In fact, he knew you very well. And you knew him. Look closer, sir. Look at it!" Henry yelled, frightening the man.

"I do not recall that man in the picture. I do not, I tell you again."

"He told me about you, Mr. Breyer."

The old man shook his head and looked at the floor. He said nothing. Then Henry broke the silence by slamming a holstered pistol against the county-issued metal table.

"Well, perhaps you recognize that," Henry demanded.

"A pistol?" Breyer nervously replied. "And why do you have it?"



"It is a Luger, is it not?" Henry asked, pushing it toward him. "Remove the gun from its holster," Henry ordered.

Breyer complied, unsnapping the leather holster and removing the gun slowly. His hands were shaking, but he handled the gun with some degree of familiarity.

"I have never held a gun before, let alone this one," the old man said as he looked it over.

"Mr. Breyer, please closely inspect the handle of this gun and you will see that there are three numbers there—a three and a two and a four. Do you see that?"

The man looked confused.

“Do it!” Henry yelled.

“Everything okay down there?” Jack called out from down the hall.

“Yes, fine, Jack,” replied Henry. “The old boy is just a tad hard of hearing, if you know what I mean.”

“That’s what my wife says,” Jack hollered back, laughing.

Oskar Breyer looked closely at the pistol, raising his glasses, and then reluctantly confirmed, “Yes, I do see those numbers.”

“They are serial numbers. Every Nazi-issued Luger has them, correct? Do you recognize those numbers?”

“No, I don’t, and I can’t listen to this anymore. I don’t know what you’re talking about, sir.”

“Oh, you’ll listen, sir. Look here at the leather holster. Do you see the letters etched on it? What are they? Read them.”

“Yes, I see them. An O and a B?”

Oskar Breyer was quivering and pale.

“Mr. Breyer, those are *your* initials, O and B. And so I ask you again, sir, is this your Luger, the one you used when you were a guard at Dachau, in Upper Bavaria, southern Germany?”

“No, you are gravely mistaken. I never owned a gun in my life. I have never even been in Germany.”

“Mr. Breyer, is it not true that on April 29, 1945, you were preparing to shoot my father, Levon Satouchny, in the back of the head, as you had dozens of men before him that day, before the Americans came?”

“I do not understand.”

Henry ignored him and continued. “But you did not shoot him because the camp was liberated at that very moment, and like a coward you threw your gun to the ground and scampered off into the woods.

“And they never found you, until now. Until now, sir, as you sit here across from the son of the man who could never forget you, whose dreams you haunted, who was a good man, and who, before he died, gave me this pistol and told me about you and what you had done.”

“Then do as you must do,” the old man replied.

Henry pulled back the hammer on the gun, never taking his eyes off the old man.

“Oskar Breyer, you had one bullet left in the chamber on that day, and, you see, it is still here to this day,” Henry said, showing him the chamber. “It was this bullet that you intended to put into my father’s head, and which, sir, I will now put into yours.”

Henry pressed the barrel of the Luger hard upon the old man’s forehead and used the last bullet that gun ever fired.

“Oscar Breyer, you had one bullet left in the chamber on that day, and, you see, it is still here to this day,” Henry said, showing him the chamber. “It was this bullet that you intended to put into my father’s head, and which, sir, I will now put into yours.”

Through the time he was sentenced, Henry was allowed out on a modest bond. Notwithstanding the murder charge, the prosecutors were comfortable in giving him time to get his affairs in order. There was no trial, and Henry refused the young court-appointed lawyer selected by the judge. He entered a guilty plea to a charge of first-degree murder. Calling it a “crime of passion,” the prosecutor had only charged him with second-degree murder, and even offered voluntary manslaughter. Henry refused the deal and said he would force a trial unless the charge was murder in the first degree. It was first-degree murder that Oskar Breyer deserved, and it is what he got, Henry told the prosecutors.

At his sentencing, he walked up to the podium in his old gray suit and shiny shoes and put his appearance on the record one last time.

“P number twenty-five double seven three appearing on behalf of the defendant, myself, and also on behalf of my father, number twenty-eight eighty-nine, your Honor.” ■



Mark C. Rossman is an experienced business litigation and transactional attorney in Troy. Earlier this year, after 14 years of practice, Mark formed his own law firm, Rossman Law, PC (www.rossmanlawpc.com). He also started a local publishing company called publishing313 (www.publishing313.com), with the aim of publishing Detroit-area fiction and poetry. He is married to his beautiful wife, Alana, and together they have three awesome children, Owen, Connor, and Gracie.