

Human drama draws attorney to criminal law

By Joanne Maliszewski
staff writer

You could say Tim Kenny's legal career began with irregular lunch hours.

"It was my father who suggested I go next door and see what was happening," said the 35-year Farmington Hills resident.

Next door to the Detroit Free Press, where Kenny spent working some of his college summers, was the federal Court House. The young psychology major took his dad's advice.

"I thought, 'Gee, this looks interesting.' It seemed more interesting than what was going on in psychology," Kenny said.

He went on to law school at the University of Minnesota.

YOU'VE PROBABLY seen Kenny on TV. Or in the newspaper. Think of some of Wayne County's more high-profile or infamous criminal cases and you might begin to place Kenny's name.

He is the Wayne County assistant prosecutor who handled the Ronald Bailey child killer case in the mid-

1980s and most recently prosecuted Bertram Harper, now known as the assisted suicide case.

"The Harper case is an example of how a criminal case can have an impact on, and shape events beyond the four walls of the courtroom," said the soft-spoken, yet deliberate Kenny.

HE HAS SEEN plenty in his 15 years as a prosecutor. But he tries to keep it all on an even keel.

"It can't help but impact on you to see the brutality and senseless violence that goes on. It can be depressing at times."

But he keeps one thing in mind: there is a countervailing force. There are any number of instances where people do come forward and tell us what they know. They assist us and we can get the dangerous people off the streets. For me, that is a good check on becoming cynical."

WHILE IN law school Kenny worked in a legal aid clinic. In the summer between his second and third years of law school, he got an internship in the prosecutor's office in Detroit. That clinched his future.

"I found it was more rewarding to represent the victim's side of the matter than representing the defendant," said Kenny, chairman of the Farmington YMCA.

He is a member of the Farmington Hills Police Department's Citizens Crime Prevention Committee and was the one who suggested using volunteers to enforce new handicap parking regulations. Kenny also is a member of the Michigan Bar Association's Crime Victims Committee.

THE ASSISTANT prosecutor recently was the first state practitioner to be honored with the prestigious 1991 Leonard R. Gilman Award from the Detroit Chapter of the Federal Bar Association. The award is presented annually to a criminal law practitioner.

The award is named for the late Gilman, who served as U.S. attorney for the Eastern District for four years until his death in 1985.

"He was a man who took his work seriously, but not himself too seriously," Kenny said of the man with whom he once worked. "He had a humility that was appealing."

Kenny knew he had been nomi-

nated for the award by Michigan Supreme Court Justice Patricia Boyle and Detroit Recorder's Court Judge Terrance Boyle.

"It's a high honor in the sense that it is the greatest compliment you can have as a professional to earn the respect and recognition of your peers."

JUSTICE BOYLE spoke of Kenny's closing arguments at the awards dinner recently. But Kenny will tell you those closings to the jury take some practice.

"The greatest trial lawyers will tell you our main function in persuasion is to put a vivid, verbal picture before the jury," said Kenny, who lauds his wife, June.

"For every good final argument, my wife has heard 10 dress rehearsals that are far from exceptional."

DESPITE HIS leaning toward prosecution, Kenny left the prosecutor's office in 1987 and joined the Farmington Hills firm of Larson, Harris, Wright & Bibeau, which at the time represented the city of Farmington Hills.

He returned to the prosecutor's

office almost 2½ years later. It was for the same reason he left the prosecutor's office, at which time he was in a more supervisory position, and then the private law firm. There simply wasn't enough time in trial for Kenny.

"I found I was not spending as much time in the courtroom. I found my first love was criminal law. For me, trying cases is the most important part of practicing."

HUMAN DRAMA is what draws Kenny to criminal law.

"In Wayne County, there's a potential to have an impact on the quality of life we have by how we seriously treat certain cases and how leniently we treat others."

The courtroom is what drew Kenny back to the prosecutor's office. This time around he was hired to handle the high-priority cases and special assignments.

Throughout his tenure, he has learned how to handle the attention his cases bring and the barrage of media.

"I found that once the trial and court proceedings begin, I become focused and I block out who is there observing."



Tim Kenny

It's what well-known athletes talk about.

"Once the contest begins, you become totally absorbed."

COMPETITION. Kenny loves it.

"I enjoy the process of putting cases together. And then deciding how they should be presented. The challenge of cross-examination is always interesting. I think you earn your money your final argument; presenting it in a persuasive, coherent form. It's a challenge."

Kenny likens the whole process to making a movie. It needs a beginning, middle and end. And then there's all the characters and drama in between.

Political squabbles diminish confidence in state MET program

By Judith Doner Berne
and Tim Richard
staff writers

Several Oakland County parents who have enrolled their children in the Michigan Education Trust are upset that the pre-paid tuition program has become a political football.

"I invested in the state of Michigan — not in a political party," said Beverly Hills resident Renee King. "I thought Michigan might be a forerunner for a national movement."

King, and her husband, Michael, a banker, invested to secure a higher education for their son, who has just completed kindergarten.

But, "my confidence level in the program has dwindled," King said. "I'm feeling anxious about it and I am making sure I have other means to finance his education."

West Bloomfield subscribers Gordon and Susan Schlom thoroughly researched the

MET before signing up. They are also "very upset."

"I think it comes down to the question of what kind of mandate government has to the people," Susan Schlom said. "The implications are terrible. What does it say about integrity?"

The Schloms have used the MET to counsel their children, Samara, 13, and Adam, 12, "to definitely go to Michigan schools." Since the program only promises to pay the tuition rates at Michigan's public colleges and universities, she sees an added benefit to the state of Michigan: "It's a way of keeping our talented students in state."

FARMINGTON HILLS PARENT Judy Kessler attended the informational lectures that preceded the inception of the MET and "was swept up by all the enthusiasm."

She and her husband, Alan, took out a loan to enroll in the program for their oldest two children, Seth, now 14, and Bree, 11.

Now, "... it makes me feel nervous about what I've done. On one hand, (Gov.

John) Engler talks about education and on the other..."

Just one of the parents interviewed was taking it more or less in stride.

"At this point we're not panicking," said Pan Godchaux of Birmingham, a member of the Birmingham school board.

"We signed up all three of our kids — Britt, 12, Kelly, 10, Jus, 7, — at our first opportunity. We still consider it a very good investment."

"I can't believe that a Republican administration would do away with it," Godchaux added. "He (Engler) should realize how many subscribers he has from Oakland County."

INDEED, THE lawmaker who sponsored the pre-paid college tuition program agrees that Engler would be "foolish" to end the Michigan Education Trust.

"I think it's valid for his administration or anyone else to evaluate MET's actuarial viability," said Rep. James Kosteva, D-Canton.

"But the basic premise remains: With

MET, we turn college education from a post-paid to a pre-paid program. We get parents to think in advance about financing college."

Two actuarial reports gave MET respectable ratings, subject to the uncertainties of politics. The MET board has not met this year, but the fund is the subject of much rumor in Lansing.

ALTHOUGH FORMER Gov. James Blanchard's name was on the MET program, Kosteva sponsored the legislative bill under which parents or grandparents would pay a lump sum into an interest-earning trust fund. The fund would guarantee to cover their child's tuition in a Michigan public college.

Now chair of the House Colleges and Universities Committee, Kosteva became the father of twins about the same time the bill was going through the Legislature.

State Treasurer Doug Roberts said recently that if MET continues to accept new enrollees, it will no longer guarantee full tuition. Instead, it may offer a more expensive

package requiring investors to pay federal taxes, Roberts said.

The 55,000 existing contracts will be honored, state officials say.

When the program began in 1988, the price was \$6,700 to enroll a newborn and guarantee four years of tuition. By fall 1989, the price was \$8,380.

KOSTEVA NOTED that "Engler is vulnerable to some of the pundits of the private investment community who have never looked on MET as favorable competition. They will try to undermine the fiscal assumptions that determine MET prices."

"In the past, he has listened to the Mackinac Center and some conservative groups."

The deputy treasurer in the Engler administration is Gary Wolfram, a conservative economics professor and former Senate staffer who had been critical of the MET idea during legislative hearings. In general, conservatives say MET doesn't do anything that private companies can't do. They also feel Blanchard exploited MET politically.

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