

LAWYERS

OF THE YEAR 1999

Royal Oak attorney David M. Findling is known as "The Judges' Garbage Man." He has built quite a reputation as an enforcer of court orders and collector of overdue child support.

During 1999, Findling collected nearly \$150,000 in back child support in Wayne County alone — money that, without him, may have never been seen by former spouses and their children.

Findling's emphasis on compliance with court orders and his ability to collect seemingly uncollectible debts have made him, arguably, the most feared attorney in the field.

In fact, some judges have even threatened to appoint Findling to a case just to facilitate a settlement.

Findling's aggressiveness has also helped him collect on cases involving high-profile names. For example, he recently liquidated the pension of former Red Wing defenseman Willie Huber and applied it to Huber's unpaid child support.

Findling says the largest amount he ever collected in one case was \$172,000.

According to Findling, "deadbeat" parents need to think twice before avoiding their child support obligations. And if they don't pay, they better be looking over their shoulder because "The Judges' Garbage Man" may be coming to clean up.

Q. Why did you become a lawyer and what is your specialty?

A. I became a lawyer because of the opportunity it provides me to make a difference in peoples' lives. I specialize in enforcement of court orders and collection of child support.

Q. How did you get into collecting back child support?

A. I was appointed as a successor receiver by an attorney who had fallen ill. I then litigated a non-dischargeability action in the Bankruptcy Court as receiver. The debtor was attempting to discharge his alimony obligation to his former wife. I thought that receiverships were an underutilized remedy and began to promote their use and to request that the courts appoint me.

Q. How did you get the nickname, "The Judges' Garbage Man"?

A. It's one I made up myself. It's because I am usually appointed in the most difficult cases. These cases defy resolution in a typical manner by the court. As the judge's court officer, it is my responsibility to see to it that the problem goes away.

Q. How do you feel about the nickname?

A. I love it. I am flattered by the trust the court has placed in me. It is difficult to convey the frustration experienced by the parties and the court in the cases I am ap-

Born: Detroit, MI
Education: Detroit College of Law (1988); University of Michigan
Admitted to Bar: 1990 (Michigan); 1988 (Massachusetts)
Legal Experiences: Findling Law Firm, PLC (1990-present); leasing attorney, First NH Resources (1988-89)
Affiliations/Activities: State Bar of Michigan; State Bar of Massachusetts; volunteer, Common Ground Legal Clinic

pointed on. Judges do not have the ability to enforce their orders. If someone chooses not to comply, enforcement can only be had through a judge's court officers. I am able to change the dynamic in these difficult cases and to see to it that the judge's orders are carried out.

Q. What makes you different from other attorneys who do the same thing?

A. I think that I place a strong emphasis on compliance with the court's orders. However, this is balanced with respect for the people that I deal with and a recognition as to how things work in the real world.

Q. How do you get the job done?

A. Usually I start out by making sure that my order is entered by the court. It enumerates the powers granted to me by the court. Then I want to meet with the former spouse. They usually know a lot about the person I have been appointed over (their assets, the way they do business, and so forth). Sometimes it requires litigating a fraudulent conveyance action because the support payer had deeded his house to his girlfriend for \$1. Sometimes it requires that I go out with the bailiff to their place of business or home to seize assets.

Q. Do you have any special techniques?

A. Old fashioned police work. I have a special database I use to obtain financial information about the support payer. I conduct investigations and I physically go out with my bailiff and seize assets. I engage in a hands-on approach.

The receivership remedy offers the court and the receiver a number of tools that do not exist without a receiver. An understanding of the role of a receiver and the remedies available help me in assisting the court.

Q. Have you ever been accused of employing "sleazy" tactics or doing anything questionable to get people to pay?

A. Most are surprised by the aggressive way that I go about collecting. I don't do creditor's exams. If they want to work with me, fine.

However, if I have any indication that they aren't going to comply, I don't waste my energy. I just go out and do everything possible

to enforce the court's orders.

Q. What is your success rate on these cases?

A. The attorneys and the courts do a good job of screening my cases so I am not appointed to simply snoop around. There usually is an indication that there are some assets from which to collect. My job is finding a way to reach them. I would put my success rate at around 90 percent.

Q. How much have you collected so far in 1999?

A. Please be aware that I am not only appointed to collect child support. Frequently, it is to enforce the sale of real estate or to effectuate transfer of marital property. In Wayne County this year, I have collected \$149,561.

Q. Who are some of the bigger names from whom you have been able to collect?

A. Wilhelm Huber was a former Red Wing defenseman. I recently liquidated his pension and applied that to unpaid child support.

Q. What are some of the biggest amounts?

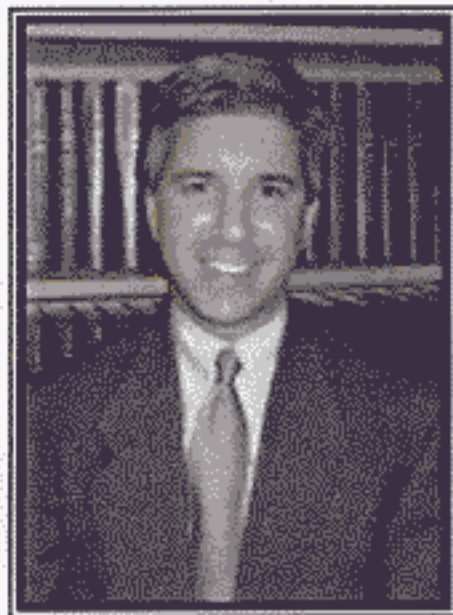
A. Probably the largest amount I collected was \$172,002.45 in the case of *Maake v. Maake*. Mr. Maake had been moving money out of his bank account and into an account in his brother's and sister's name. I was able to locate the money and then commenced a fraudulent conveyance action against the brother and sister.

The judge granted my motion for summary disposition and the funds were applied to unpaid child support. Mr. Maake was even held in contempt by the court and was in jail upon my appointment.

However, even though he had to spend 90 days in jail, he never disclosed that he had control over the funds. It is my understanding that ultimately he committed suicide at the courthouse.

Q. Do you have any interesting stories about your collection attempts?

A. Recently I went out with my bailiff to seize the bar of a father who owed \$80,000 in back child support. Unbeknownst



to me, he had agreed with his spouse to cancel the arrearage. This was done because he had been supporting his son directly and not through the Friend of the Court.

However, his attorney failed to obtain my consent to the order, so I was unaware that they had reached this agreement. The bailiff and I were so saddened by his misfortune that, by the end of the evening, we were consoling him.

Another favorite was when I discovered that the support payer had given his girlfriend a life estate in his house with him being the remainderman. I sued the girlfriend on a fraudulent conveyance theory. It was so transparent that he had given her a life estate to protect the asset from his creditors.

Q. What message do you have for all the parents out there who owe overdue child support?

A. The court is willing to work with those who owe money. However, those that choose to avoid their obligations should watch out. Sometimes the judges even use me as a threat.

One time, the judge asked me to tell the attorneys and their clients what was going to happen if I got appointed. The judge later told me that the threat of my appointment resulted in the settlement of the case.

— LYNN PATRICK INGRAM