Goes 'Ump' in the Night

Area prosecutor pulls double duty when laying down 'law'

By Paul Janczewski

He spends his days throwing the book at criminals. But when the Friday Night Lights are on, Genesee County Prosecutor David S. Leyton tosses the yellow flag -- at high school footballers.

Leyton, 55, has been a football official with the Michigan High School Athletic Association since 1998. He started as a chain-gang official at middle school, freshman and junior varsity games, but has since moved up to umpire in charge of his own five-man crew.

He said there are some similarities between being a prosecutor and a football official. "In both cases, you've got to make critical decisions while under pressure," he said.

In both jobs, Leyton said you can be criticized, second-guessed, cursed out, and booed. "As prosecutor, everything I do is in the public eye," he said.

During football games, fans of both teams often react to his decisions and can rain down insults and worse, depending on his call.

"You can't have rabbit ears and do this job," he said.

Leyton took a rather crooked career path to reach each position.

Born September 14, 1953 in Boston, Leyton played high school football and wanted to continue that in college. His coach had a relationship with the coach at the University of
Toledo, and he played freshman football there, but was able to take it no further than that. "He thought I could play," Leyton said of his high school coach. "He was wrong."

A business major in college, Leyton found it was not what he really wanted to pursue, so he switched to journalism. Those writing and reporting roots started in high school, when he put out his own small newspaper, reporting on classmate comings and goings. He was also an avid reader of newspapers, and devoured stories on sports, news events, and politics.

That led him to the teacher who had a huge impact in his life, Dr. Jerry Morrow, who taught a journalism class at the Toledo college. "I remember my first day in class, he came in, slammed down his books and said, 'If any of you can't type, get out.' I couldn't type, but I stayed anyway," Leyton said. "He turned out to be the most influential teacher I ever had. He got me focused."

Leyton said he was transformed from a mediocre student into a dean's list honoree. Working for the college newspaper, Leyton said he loved the action reporting generated. "You covered all the hot topics," he said. "You were in the front seat, able to observe the issues, think about them and communicate them."

Leyton graduated from the University of Toledo in 1975 with a degree in journalism. He eventually landed a part-time internship gig in broadcasting as a reporter for a Toledo radio station, and when a sister station in Flint had an opening for a paid position as a newsman, he took it. "It was the Woodward-Bernstein era," he said. "Everyone wanted to be a journalist."


While doing his radio work, Leyton decided to attend the Thomas M. Cooley Law School in Lansing and earn a jurisprudence degree. For three years, he would meet his car-pool pals at 7 a.m., drive to Lansing for classes from 8 a.m. until noon, and return to Flint for his 2-11 p.m. radio newsman job. Occasionally, he was able to work his studies into the slow news periods at the radio station.

In 1982, Leyton graduated from law school, and started a private practice. Like most new attorneys, he took any and every job he could, from criminal cases, to landlord-tenant disputes, with divorces, civil, real estate and personal injury cases sprinkled in between.

He also became involved in local politics with the Democratic Party in Genesee County, primarily helping with fund-raisers for candidates on the local and state level, including Don Reigle, Dale Kildee, Carl Levin, Debbie Stabenow and eventual state Governor Jim Blanchard. "I believed in their policies and politics," he said.

In 1992, Leyton decided to run for office, as a trustee for the Flint Township Board.

"It was just a matter of timing," he said. By then, Leyton had been married to his wife, Therese, and the couple was busy raising four children. "I always believed my family came first." The couple has now been married for 28 years.

"I was always interested in government and politics," he said. "I was in a position to observe it, write about it and discuss it. But I always yearned to be a part of it."

He was elected Flint Township Trustee, and served several years before being appointed in late 1995 as the township's clerk to fill an unexpired term. In 1996, he ran for election as the clerk and won. In all, Leyton spent a dozen years on the board, with nine years as clerk. But by 2004, Leyton had tired of township politics. "It was time to pass that torch onto someone else," he said. "That was a tough job, and I figured 12 years was enough."
Another opportunity surfaced when the position of Genesee County prosecutor opened up and Leyton decided to run for that post. "It seemed like a good fit," he said. "As an attorney, I cared about criminal justice, and believed as prosecutor, I could make a significant difference in the community."

Leyton was elected Genesee County's top cop in 2004, beginning his first four-year term in 2005. He recently ran unopposed and will begin a second term that runs through 2012.

Since receiving his law degree, and being elected trustee, Leyton has kept himself very busy with professional and Democratic Party affiliations, numerous committees and community activities. Some include membership on the Child Advocacy Center, YWCA Safe Families Council, the NAACP Flint Chapter, and the Flint Jewish Federation.

He is a member of the State Bar of Michigan, the Association of Trial Lawyers of America, and is currently President of the Genesee County Bar Association.

His officiating days began in 1998, after running an unsuccessful bid for election to the state's House of Representatives. "I had time on my hands, and I always wanted to officiate high school football," he said. He contacted an attorney buddy who was already a high school sports official and asked him how he could get involved. That friend hooked him up with another MHSAA official who told Leyton they were always looking for help. "I love football, and I enjoyed being around the kids," he said. "I wanted give back something to the community, and by being an official, I could do that. I could also be outdoors, running around, and get paid for it." Leyton took the MHSAA examination -- which consisted mainly of procedures and player safety -- and passed, and in the Fall of 1998 he began officiating some lower-school level games. "I knew very few of the rules then," he said, an admission that would not surprise most of the fickle fans who blast referees as a matter of course.

Even after being an official for 10 years, Leyton said he still reads the 100-plus page rule book for up to 20 minutes each and every day. He also consults an accompanying commentary book, which presents various scenarios an official might encounter. "There's a lot to officiating," Leyton said. For the first few years, Leyton worked his way around the various refereeing positions, from the chain gang, line judge and other spots on the field. Toward the end of his fourth year, he began as a substitute official at high school games. "They felt I wouldn't screw up too badly," he joked.

From working several varsity games he gradually learned the ropes, and by 1999 he subbed varsity games almost every week. "It's all about reading the rule book and getting the experience, which is critical," he said.

By 2004, Leyton was made an umpire and given a set crew. Several weeks ago, he worked his final high school game of the season, a playoff game between Mt. Morris High School and Croswell-Lexington.

He's officiated in hundreds of games, but his most memorable came November 24, 2007, during the Division 3 championship game between East Grand Rapids and Orchard Lake St. Mary's at Ford Field. In ended after five overtime periods, the longest game in the history of the state football playoffs, when East Grand Rapids defeated Orchard Lake 46-39.

"It was an extremely well-played game, and a highlight for any official. I felt like I hit the jackpot with that one."

As an official, he admits to making a few bad calls now and then, mainly on how a penalty is interpreted. As in law, every rule in football has exceptions -- and interpretations.
"Mind you, I don't (make bad calls) a lot. It doesn't happen very often. But it's never caused the outcome of a
game to change." He said many times, "you don't know you messed up until the game is finished" and the crew
discusses the game. He said the key is to not have your confidence shaken.

"I don't second guess myself very often. I'm pretty confident that when I throw a flag, there's been an
infraction." "My reason for being there is to officiate. It doesn't matter who is playing, you remain impartial,
and call 'em as you see 'em."

As any official knows, each call generally makes one team and their fans happy, and their opponent, and fans,
angry. Cascades of "boos" and worse may rain down on some calls. "I don't pay it any attention," Leyton said.
"I don't even hear that stuff because I'm concentrating so much on the game. I'm oblivious to what the crowd is
saying."

Criticism, and how you deal with it, is a big part of being an elected official, especially at the township level. At
games, he claims to not hear it. At township meeting, he said it was hard to ignore when a person is right in
your face.

But for the near future, Leyton said he is prepared to do his job right, whether it's leveling murder charges
against suspects, or catching a tackle holding in the backfield.