

# Bar Briefs

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# Bar Briefs



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# Keep on Movin'

By Jonathan C. Biernat,  
President of the Macomb Bar Association

Well I have come to the end of my year as MCBA President. It has been a remarkable experience and I am so grateful to all those who have assisted me in this endeavor. I could not have done it without the love and support of my family, friends, and colleagues. As I have said repeatedly over the course of this last year, we have a remarkable community here in Macomb. I have been so amazed at the outpouring of support and love. While the last few months have been very difficult, to say the least, I have faith that we will persevere. We are not strangers to adversity, and we will emerge stronger and hopefully wiser. During this unprecedented time, we will continue to do our utmost to serve the members of the MCBA. We have come together during this pandemic to support each other, and we will continue to do so. I will continue to do my utmost for this community and the community at large. It is my goal to continue to strengthen the Macomb County legal community and to reach out to all those that we can assist throughout this time of need. We will continue to fight for our clients, support our colleagues and defend those without a voice.

I look forward to seeing all of you when the courts reopen or via Zoom or whenever we can connect.

Please as always feel free to contact me with questions concerns or to just talk. I am always available.

I leave you with this quote from Thomas Merton:

“You do not need to know precisely what is happening, or exactly where it is all going. What you need is to recognize the possibilities and challenges offered by the present moment, and to embrace them with courage, faith and hope.”

One Love,

*Jonathan C. Biernat*

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# The Beauty of Law

*By Rick R. Troy, Executive Director,  
Macomb Bar Association and  
Macomb County Bar Foundation and  
Dawn Fraylick, Associate Executive and  
Communications Director,  
Macomb Bar Association*



As members of the Macomb Bar you represent all areas of law: probate, criminal defense, prosecution, civil plaintiff, civil defense, all matters of probate, and much more. The strength of this bar association is indeed the diversity of people, practice areas, background, and opinion. As attorneys you understand the importance of opinions.

There is wide spread recognition that our country is in the midst of opinion conflict. We all understand how people are able to share their opinions instantly in a variety of ways. The beauty of law is that those who profess an oath to practice it, respect opinions. As a profession, lawyers in practice demonstrate to the community at large how to respectfully disagree with opinions. Thank you for your professionalism and leadership during these stressful times. I am sure that people around you have found some peace of mind in their interactions with you.

When it comes to advocacy of the profession of law, the diversity of opinion is played out on many levels. The American Bar Association and State Bar Associations across the country have processes and people that lead. In Michigan we have the State Bar of Michigan’s Board of Commissioners and the State Bar of Michigan’s Representative Assembly. We are fortunate to have Dana Warnez, Vice President, and Ryan Zemke, Young Lawyers Section Chair, representing Macomb County on the SBM Board of Commissioners. And you are well represented on the State Bar of Michigan’s Representative Assembly with Macomb Bar members; Randall Chioini, Laura Polizzi, R. Timothy Kohler, Stephen Steinhardt, Hon. Alyia Hakim, and Angela Medley. And of course the Macomb Bar has an elected Board of Directors that lead our diversified membership.

Congratulations to our newly elected Macomb County Bar Association Board Directors and Officers:

President - Joseph Golden  
President-Elect - Francesco Briguglio  
Secretary - Lori Smith  
Treasurer - Ryan Zemke  
Directors: Jenna Bommarritto, Saima Khalil



Farrah Ramdayal  
While we were unable to have the Annual Meeting, we are hopeful that we will be able to have an Installation gathering at the end of summer.

With new leaders coming on to the Board, that means some leaders are departing. First and foremost, Thank You to President Jon Biernat.

As part of the Presidential onboarding process, way back in March of 2018, I shared with Jon the message that I share with all incoming Presidents, “something will come along in the bar year that will disrupt your plans.” No one could imagine, or prepare for, a global pandemic. Jon’s leadership during this disruption has been remarkable. From the start he was out in front, communicating



to members the daily changes in court procedures and practices. His calm demeanor has helped many overcome some terrible days and he leaves the Bar in a solid position. Thanks Jon! Your continued leadership as Immediate Past President in



2020-2021 will be appreciated by all of our members!

Dawn Prokopec has served you as a Director, Treasurer, Secretary, President-Elect, President and Immediate Past President. Dawn has also served in these positions on the Macomb County Bar Foundation

Board. Dawn, your leadership has been exhilarating, contagious and exhausting! Exhausting only because you challenge all of us to keep your pace of creativity.

Donald Gillain has served you for the past six years as Director. While his work with the golf outing is most recognizable, it has been his steady, soft yet strong advocacy for members that,



for me, marks his time on the board. Little known are his personal interactions with county dignitaries on your behalf that has, and will continue to provide returns for the membership years to come. Thanks

Don for everything!

Sherman Abdo has served the Young Lawyers of the Bar (defined as 35 years of age or less or 5 years of practice or less), for several years. He concludes his year on the Board of Directors with a remarkable list of successful events that have connected members of all ages and experiences. Sherman, you are a natural leader and the bar is better because of you. Thank you and I look forward to having your positive influence as you serve 2020-2021 as Immediate Past Chair of the YLS!

I truly hope that June will bring us More Togetherness.

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# Circuit Court Corner

*By Macomb County Circuit Court Administration*

## COVID-19 Update

The State Court Administrative Office has provided guidance for a 4 phase return to business as usual at the Courts once rates of infection go down in a community. The full text of this plan is available at <https://courts.michigan.gov/News-Events/Documents/ReturntoFullCapacityGuide.pdf>.

Although things are evolving rapidly, at the time of this writing, out-of-custody criminal matters are held remotely via Zoom if the defendant's presence is waived. If a defendant doesn't have a smartphone or computer, you may schedule a time with the court for the defendant to use a computer in the jury room once the deputy meets them at the front doors. In-custody criminal matters are being handled remotely by the assigned judge on an assigned day. The schedule of judges is on the Court's website, along with other helpful information and real time updates. Payment requests for Court-Appointed Counsel can be submitted early (you do not have to wait for two weeks prior to sentencing).

Civil matters are held remotely or adjourned. Case evaluation is being handled remotely as well, and they are sending notices out. Jury trials are delayed until at least June 22, per Michigan Supreme Court Order 2020-08.

For the Juvenile Division, the docket is being handled remotely via Zoom. Each referee has an assigned hearing day. Adoption petitions are also being accepted electronically. All relevant forms and instructions are on the Juvenile Division website.

At Friend of the Court, referees' dockets are being handled remotely via Zoom, including motions, referee hearings, and status conferences. FOC is also instituting remote custody investigations and a remote SMILE program. Requests for modification of support due to unemployment are being triaged and support investigations are being conducted remotely. Final recommendation interviews for pre-judgment reports and investigations are also being conducted remotely.

For the Probate Court, the docket being handled remotely. Very limited public access to the building is available for emergencies only. Similar to situations with out-of-custody criminal defendants, we have a separate courtroom set up so they can be on video with the judge.

One note applicable to our entire Court system is that Zoom hearings are being livestreamed on YouTube so as to keep the proceedings "public" -- please keep that in mind.

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# How to Stay Productive While Working From Home: 10 Tips That Work for Me

*By Dora Konomi, Speigel Nichols Fox LLP*

As a young associate who is constantly learning to navigate the law, I am living in a brave new world with no precedent to guide me. The courts are closed. Our physical office is semi-closed. My dedication to work and my desire to continue serving our clients, however, are unchanged and remain wide open. The question becomes: How to stay productive in these unpredictable and tumultuous times?

## How I Stay Productive

I have received messages from students, lawyers, and other professionals I know asking how I manage to remain productive while working from home. Here are 10 things that work for me.

### 1. I have a dedicated area where I work.

My brain, much like Pavlov's dog, is conditioned to work when I enter my "work zone." I must admit that sometimes I don't heed my own advice and end up on the couch or close to the fireplace.

### 2. I established a schedule adhering to my regular routine.

This means I still wake up to an alarm clock. Some days, I work until 9 or 10 p.m. Not only am I able to be productive from home, but I often find I am able to be more productive working from home. I am

not required to do all the things one normally does when venturing out into the real world, including using up time commuting to work. These days, my commute consists of walking the 20 seconds it takes to get from the kitchen to my work zone.

### 3. I change into work clothes.

By this, I do not mean that I am sitting at home in a suit. But I do change out of my pajamas. This tells my body that "it's showtime."

### 4. I start by making my tackle-the-world daily list.

I outline all of the tasks that I want to accomplish, both work-related and non-work-related. I make my list the old-school way — with a pen and paper. When I accomplish a task, I take great pleasure in crossing it off my list.

### 5. I take breaks.

Just like I would at the office. I eat snacks, drink coffee, and chat with co-workers and friends. For example, I email coffee pictures with our chief law clerk and pretend we are together. I also email clients to see how they are doing during this time.

### 6. I have technology that works for me.

We are paperless at the firm, so I have access to all my documents and

emails. There are also great free apps that have made video conferences easier and reading cases more enjoyable, and that facilitate other activities. Of course, certain tasks on the computer are faster while at the office because I have two screens. But I've adapted.

### 7. I made my work zone pleasant, warm and cozy.

I am more likely to work in a place that I like.

### 8. I play music in the background.

"Alexa, play Stevie Wonder."

### 9. I leave my phone in the bedroom.

When I finish a task or two on my list, I check my messages and scroll through my feed. This helps me focus on my work and avoid spending too much time on social media.

### 10. I smile.

Even when the other side isn't cooperating, I smile and I'm kind. My brain releases happy hormones, which make me feel better and happier. I definitely work better when I'm happy. Now, if only the court would reopen in a virtual environment. Perhaps it will and perhaps it will be sooner than we think.



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# Macomb County Bar Foundation

*By Dana M. Warnez,  
President of the Macomb County Bar Foundation*

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Greetings dear Macomb County Bar Community,

As the outgoing President of the Macomb Bar Foundation, I am writing to extend my sincere thanks to our Trustees, Gala Sponsors, and all the attorneys and Judge volunteers who organized and supported our efforts this year, as well as extend my thanks and fond esteem to our Board of Directors and Executive Director Rick Troy and Associate Executive Director Dawn Fraylick, who worked so hard to make this year an important and meaningful one for Macomb County Bar Foundation. We accomplished several things for which we all should be proud. We owe a great deal of thanks to Beth Ann Richardson and Ashley Lowe from Lakeshore Legal Aid who produced our “Legally Speaking” television shows this year. Also, In partnership with the Michigan Center for Civic Education, we held the 6th annual Macomb High School Mock Trial Program in early March, and recently awarded our Law School Trustee Scholarship to Taylor Wells, which will be celebrated at next year’s GALA extravaganza, and awarded Macomb’s Liberty Bell Award to Emily A. Diaz Torres.

Sadly, we did have some challenges. COVID did choke out our ability to celebrate our most stalwart tradition of Law Day. This was especially disappointing because this year was the designated time to celebrate the 100th anniversary of the ratification of the 19th Amendment, which secured a woman’s right to vote.

When COVID hit us, we shifted gears, and found a way to make a difference in a new way to meet a community need, specifically by asking for donations and distributing money to Macomb Food Bank to assist families in receiving extra support that disappeared when schools closed, and jobs shut down. We are very grateful for the donations from local attorneys, and the matching donation provided from ATA Greco Title Company, which allowed us to disburse \$4,000 to the Macomb Food Bank.

Going forward, let’s continue to find new and improved ways to advance our mission, without losing our compass or integrity. I hope we always celebrate our US Constitution, help high schoolers learn to organize thoughts, and present ideas in setting of mock trials, and celebrate Law Day in our communities, and grant our scholarships to those students who want to make Macomb their professional home.

I also hope that the Board seeks to modernize and expand our

programs to reach as many students and teachers in both public and private schools in our community. I find it tremendously exciting that Board members have been invited to appear as special guests in zoom teacher classrooms during the time we must stay home to stay safe. There is so much potential for our Foundation, with support and in collaboration with the Association, the MISD, local Superintendents and individual teachers, to lead beyond expectation to improve our community and enhance everyone's quality of life by promoting a better understanding our justice system.

Our Bar Association and Foundation have always found ways throughout its long history to be an integral part of the fabric of our legal community. I know that our incoming Foundation President Stephen Becker and new Board of Directors will continue to ensure the Foundation continues to be an important, effective, and relevant part of our community. It's been an extremely awesome honor to have been your President this year. I wish everyone all the best.

Thanks always,  
Dana

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