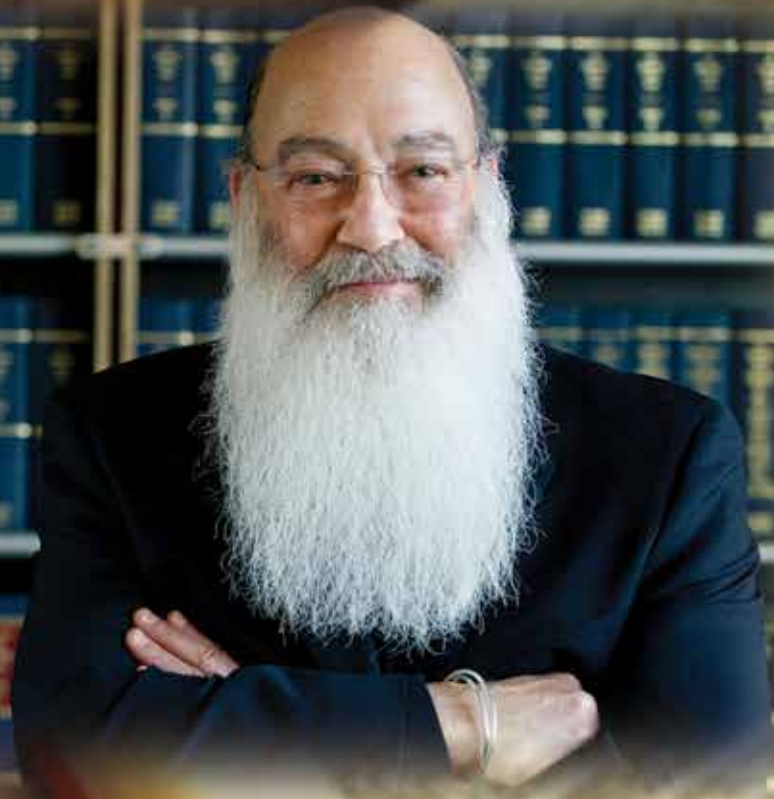


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JULY 2020

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Bar Briefs



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Getting to Know Joseph A. Golden: The 92nd President of the Macomb Bar

*By 2020-2021 Macomb County Bar Association
Board of Directors*

Please tell us the story of your beard. (Dawn Prokopec)

I grew the beard for a vacation with my wife in 1970. After 2 weeks on Cape Cod, I decided to keep it.

My practice was basically public labor law on behalf of teachers, so I didn't have to worry about judges and juries – it was mainly arbitrators and administrative law judges.

By the time the Supreme Court found an exception to employment at will in 1980 (*Toussaint v Blue Cross Blue Shield*), I was more than comfortable with my appearance, and felt it was an advantage in trial. The beard got the attention and the substance of my presentation kept the attention – the rule of privacy working to the ultimate.

How do you think the practice of law will be different in 10 years? (Chase Robl)

There are those who believe that as a result of this pandemic with its enhanced use of technology and professional distancing, the relationships within our profession will suffer. When you couple this distancing with the explosion in mediation of disputes, some believe the days of the civil trial attorney are numbered. To the contrary, I foresee a return to the old days of being a lawyer. The Plaintiff's Bar will again recognize the distinct advantage associated with a speedy trial and live juries.

I also believe that you will see the pendulum

swing back in the area of sexual harassment. Now, as a result of Me Too! and the sexual conduct issues at MSU and U of M, those who practice employment law are seeing gender profiling on a regular basis. Men are losing their livelihoods for innocent, harmless comments, which if uttered by a female

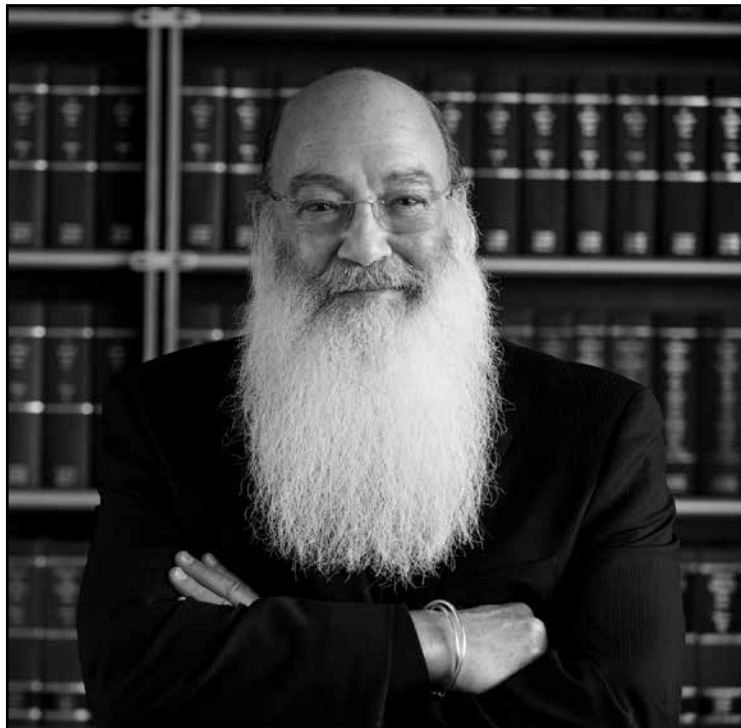
to another female, would be considered complimentary, or at least, harmless.

What made you focus your legal work on employment law? (Saima Khalil)

I started my legal career with Wayne County Neighborhood Legal Services in its River Rouge office. It was 1968 and Detroit was post-riot with World Series fever. It was an interesting time to be organizing welfare-rights groups in southwest Detroit and Downriver.

After eighteen months with the Government, when I couldn't get promoted to Supervising Attorney, a friend steered me to Craig and Fieger in Downtown Detroit. The firm was Roger Craig, then state senator from Dearborn, and later to become General Counsel to the City of Detroit.

The Fieger was Bernard J. Fieger, Harvard law grad, former President of the Detroit Chapter of the National Lawyers Guild, and the father of three successful children, 2 sons and a daughter. The two sons were Doug, leader of the rock band "The Knack"; and songwriter/singer about his girlfriend, "My



Sharona,” and Geoffrey.

The firm represented the Michigan Federation of Teachers. Public employees had only recently been given the right to organize, so I cut my “employment” teeth on negotiating for large numbers and arbitrating for individuals.

I loved the union side, and working with employees taught me about “the law of the workplace”, both written and unwritten.

During my eight years at what became Craig, Fieger and Golden, I came to understand the uneven playing field that is the workplace. I realized why the legal encyclopedias described the employment relationship as “master – servant.”

By the time I went out on my own in 1978, I was looking for exceptions to the employment-at-will doctrine and accepting cases ripe for challenging a rule that had been in our jurisprudence since 1867.

The Michigan Supreme Court decision of *Toussaint v Blue Cross Blue Shield* in 1980 afforded me the opportunity to develop skills as a trial lawyer. When Title VII was amended in 1991 to grant jury trials to victims of discrimination, I was equally comfortable litigating in Federal Court.

Today, trial work is still the most exciting aspect of my law practice.

How is your career different from a young lawyer to now? (Laura Polizzi)

As a young lawyer, I needed to find out what I liked, and what I didn't. I did criminal assignments, appeals, comp, divorce and probate in addition to labor. I liked criminal. It was an opportunity to argue constitutional law before the Court. But career-wise, I liked labor. Once I learned how to advocate for employees, I focused my career on making a niche in some arena of employment law. I applied for the general counsel position with the Michigan Federation of Teachers but didn't get past the politics. So I concentrated on litigating on behalf of employees. That was in 1980.

For the past 40 years, I have attempted to establish myself as a civil rights lawyer specializing in employment discrimination. I have been consistent in my willingness to take hard cases, and I have never been afraid to lose. If lawyers are afraid to lose, the law will never change, and those seeking justice will

never see appreciable improvement in the quality of their lives.

How has the role of women in the legal community evolved throughout your years working in the profession? (Laura Polizzi)

When I started practicing in 1968, women lawyers dressed like men, and for the most part were not taken nearly seriously enough. From my vantage point, most worked for the Friend of the Court in non-adversarial roles.

There were a few women labor lawyers early on, working mainly in public employment law firms which represented unions with substantial female membership.

Again, I'm focusing on a single area of law. The emergence of employment law as a major trial practice created a litigation opportunity for women, allowing them to couple some long-suppressed advocacy skills with a degree of empathy many of their male counterparts lacked.

Today, women dominate the ranks of employment lawyers, both locally and nationally. County-wide, I'm seeing many more female judges, Bar Association officers and lawyers in our midst.

The Macomb Bar has led the way in diversifying its leadership to exhibit gender neutrality.

Can you describe what it was like to testify before the US House of Representatives labor and education committee? (Angela Medley)

In 1991, I was President of the National Employment Lawyers Association. Congress was taking testimony on amending Title VII to allow jury trials and specific damages.

I was asked to testify in support of

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compensatory damages as part of the new relief in the amendment. My best memory is that I prepared as though I was making a closing argument with questions following. I'm sure I was too emotional, and I don't remember the follow-up questions. But I was thrilled to be there. And my name will be forever in the congressional record.

Is Jameson Whiskey your favorite drink? (Susan Chrzanowski-Cole)

Yes, Jameson Black Barrel is my favorite drink. Often with a Guinness on the side. I started drinking Jameson during a trip to Ireland with my late wife, Cindy. Everyone on this walking trip was lining up to taste the various scotches at the bar. I preferred the Irish, and still do.

How have things changed in the practice of law since you first started practicing? (Lori Smith)

When I started practicing, the law was a profession of relationships. The American Arbitration Association had periodic seminars and receptions where all sides of labor-management disputes, including arbitrators, would socialize, discuss issues, and often times privately settle cases. The IRRA, an industrial relations association, held similar gatherings.

And when cases were ripe for resolution, attorneys met face-to-face to discuss the issues. No mediators, only 2 attorneys actually settling a case all by themselves. Imagine!

Today, when I call a new defense attorney on a case and offer to take him/her to lunch to discuss our case, it takes them so off guard, they tell me they have to call their client for permission.

And speaking of mediators, in my area of practice, we used to actually have trials. And judges felt that plaintiff's were entitled to speedy trials.

Today, the name of the game is mediation. Let a third party settle your case. Where are the attorneys?

Are you surprised by where your career has taken you or are you where you thought you would be? (Hon. Annemarie Lepore)

As I enter the second half of my legal career, I'm satisfied with my past performance but expect more from myself in the future.

In your years of practice, what do you consider your most important accomplishment? (Jim Spagnuolo)

I am most proud of contributing to the creation of employment law as a new practice area. In 1978, I started a local practice geared to protecting workers from unjust termination. On a national scale, in 1985, I was a founding member of the National Employment Lawyers Association. The organization was established to create a network of employment lawyers with an agenda to do away with the antiquated concept of employment-at-will. Since then, through teaching seminars, mock trials and mentoring of individual attorneys, I've done my best to elevate the quality of practice in employment law. Those efforts will continue.

Is it true that you were friends with Joe Cocker and that you spent time touring with Grand Funk? (Jon Biernat)

No. In the early 70's, I was co-owner of a concert promotion company known as Golden Goose Productions. Our first concert at Masonic Auditorium was Dan Hicks and His Hot Licks with Bob Seger opening. Hicks went on first before Seger blew the kids' ears out.

Other shows included: Sly and the Family Stone, Kansas, Joe Walsh and the James Gang, and The Bee Gees (twice).

I got as close as I could to show business without being able to sing or dance.

I take that back. I am in show business. I'm a trial attorney.

Also, is it true that your beard is famous in Key West? (Jon Biernat)

I started going to Key West in the 80's when the American Bar Association committees discovered both the weather and the atmosphere.

In 1992, I brought my family, including my 6-year-old son, Nick. Nick spent 3 days people watching before commenting during a walk along a crowded Duval St.:

"I know why Dad likes this place so much. Everybody looks like him."

Who is the most interesting person you have ever met and why? (Farrah Ramdayal)

His name is Dr. Elwood Anderson. He's 91 years old and a practicing speech pathologist.

I met him when he was teaching and doing a clinic at Wayne State University, and I was a teenager with a bad stutter. You can't cure a speech impediment. At best, you control it. And if it controls you, your ability to communicate will be forever impaired, and you can kiss your closing arguments good-bye.

I chose Dr. Anderson because I saw how he gave new life to children who couldn't or wouldn't speak because of their stutter. He devoted his life to helping others communicate without fear or shame.

He taught me how to make people listen, even when the presentation was marred by verbal stress and involuntary repetition. He taught me never to run from my speech impediment or from anything else.

My speech pathologist taught me how to be an attorney, how to stand up for myself and how to pursue my legal position no matter how difficult to articulate.

What, if any, changes or new initiatives are you hoping to bring forth during your term? (Magistrate Ryan Zemke)

Before we were so rudely interrupted by this pandemic, I had plans for my year in office, mainly related to moving this association to partner with other successful, visible, viable community organizations for the betterment of the membership.

Among the events contemplated was the 2nd annual Sheriffs v. Judges/Attorneys softball game. The event is perfect for a summer fundraiser with sponsorships coming from non- legal entities throughout the county.

Further, I've had conversations with Kelly Lovati, CEO of the Macomb County Chamber of Commerce focused on a partnered event: an enhanced relationship with the county's business community can only benefit our members.

Finally, the recent establishment of the Diversity and Inclusion Committee raised the opportunity to expand the Bar's organizational and individual relationships, including seminars and social gatherings.

Now, the Board of Directors and I can alter or modify these plans to meet the needs of the membership.

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Virtually Connected

*By Rick R. Troy, Executive Director,
Macomb Bar Association and*

As July begins, so too does a new Bar year. Join me in welcoming your new Macomb Bar President, Joseph Golden. Joe brings the wisdom of 80 years of life experiences, and with 53 of those years practicing law, the Macomb Bar is in good hands in these unprecedented times. I will leave it to Joe to share with you his focus for the 2020-2021 year through his upcoming Bar Briefs articles and other communications, but, spoiler alert, “it’s not your Father’s Oldsmobile!”

This is typically the month for me to share with you plans for new and exciting member events. All I can report at this time is that all plans continue to be on COVID hold. I truly hope that the bar will soon be able to meet together in person. In the meantime, we will continue hosting virtual meetings. Every Thursday at 4:00pm, a couple dozen bar members have gathered online to learn from special guests, and each other, at the weekly membership meeting. It has been fantastic to “see” each other. I’d like to thank all of our special guests that have appeared over these past few months: Hon. James Biernat Jr., Hon. Carl Marlinga, Hon. Mark Switalski, Hon. Sandra Harrison, Hon. Annemarie Lepore, Interim Macomb County Prosecutor Jean Cloud, Hon. John Chmura, Hon. Suzanne Faunce, Hon. Michael Chupa, Magistrate Jennifer Andary, Magistrate Ryan Zemke, Macomb County Public Defender Administrator Thomas Tomko, Circuit Court Deputy Administrator John Nizol, 41B Court Administrator James McGrail, 37th District Court Administrator Annette Gattari-Ross, Paul Bukowski Macomb County Prosecutor’s Office, and Jennifer Phillips, State Court Administrative Office Region 6 Administrator.

Additionally, every Thursday at noon, the Family Law Committee has hosted a virtual meeting that averages thirty participants. Thank you to all of our special Family Law guests; Friend of the Court Thomas Blohm, Friend of the Court Chief Referee Nicholas, Laura Keeth, Enforcement Division Director, Amanda Kole, Referee, Michael Gibbs, Juvenile Referee, Kristen Stone, Juvenile Referee and the Hon. Lisa Langton of the Oakland County Circuit Court.

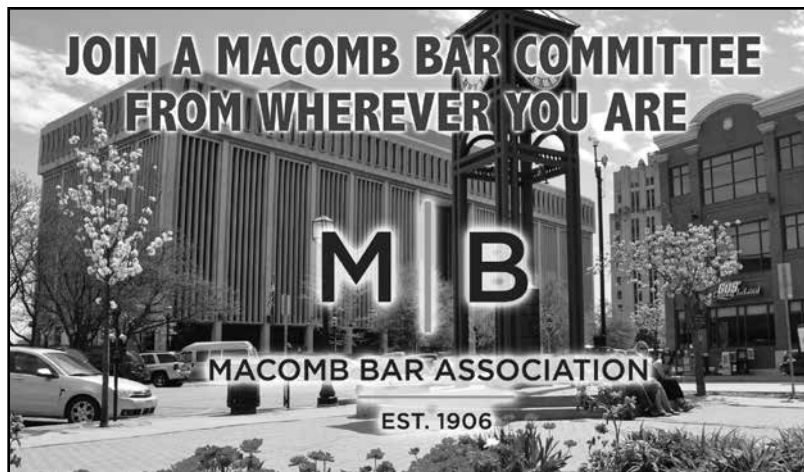
Every first Monday of the month, the Criminal Law Committee has a virtual Think Tank. Hosted by Macomb Bar Director Dana Freers, these meetings continue the tradition of members helping members review the nuances of specific cases while traversing the new landscape of law.

The good works and investment of one’s time to benefit members of the bar should be recognized, and along with Dana Freers, I want to recognize Macomb Bar Secretary, Lori Smith, and Macomb Bar Director, Angela Medley, for their commitment to moderating the Membership and Family Law meetings respectively.

If there has been one thread that has helped keep the fabric of the bar together during these past few months it is the **Honorable Tracey Yokich**. Judge Yokich has attended every virtual Membership and Family Law meeting. Her advice to members of the bar on how to navigate the unending waves of change that you all have experienced practicing law in Macomb County has been on point. Yet,

even more importantly, she has given everyone that has participated a sense of hope. Thank you, Judge!

So, if you haven’t yet had the chance, join your



colleagues in these meetings! We email you the login information every Monday and Thursday and we also post on all social media. And, don't forget to join law practice committees. Committee members receive practice specific information so that you will always be informed. Committees are easy to join, just send me or Dawn an email, or as President Golden would suggest, call!

Remember that time you thought, "someday I will get more involved in my bar association." Why wait? The board is always looking for leaders to help with committees, event planning, publications, communication, and so much more. Now is the time to think differently, to explore together new ways to help lawyers be the best they can be. If you are interested, contact a board member or give me a call!

The Macomb County Bar Foundation

The profession of law is the most giving of professions. Every day, tens of thousands of Michigan lawyers give their time, expertise, resources and money to individuals, businesses, charities, schools, community groups and to their own profession. It is not difficult to identify those in our Macomb legal community that give



selflessly.

Dana Warnez is that lawyer that selflessly gives to her communities and her profession. The profession has benefited from Dana's experiences from serving on a number of bar committees, to being elected to every office of the Macomb Bar and Foundation, from Director, to Officer to President.

She recently completed her term as President of the Macomb County Bar Foundation. Her experienced leadership guided the Foundation to success even in the midst of a pandemic. Dana is, nor do I think ever will be done giving to your profession. She just wrapped up her term as Vice President of the State Bar of Michigan and is destined to be the next Macomb County lawyer to be President of the State Bar of Michigan. On behalf of the entire Macomb legal community, thank you Dana for all that you do for us and for all that you give.

Part of the Foundation's work this past year included an online COVID-19 fundraiser for the Macomb County food pantry. The selfless giving of our members provided for 15,000 meals for those in need!

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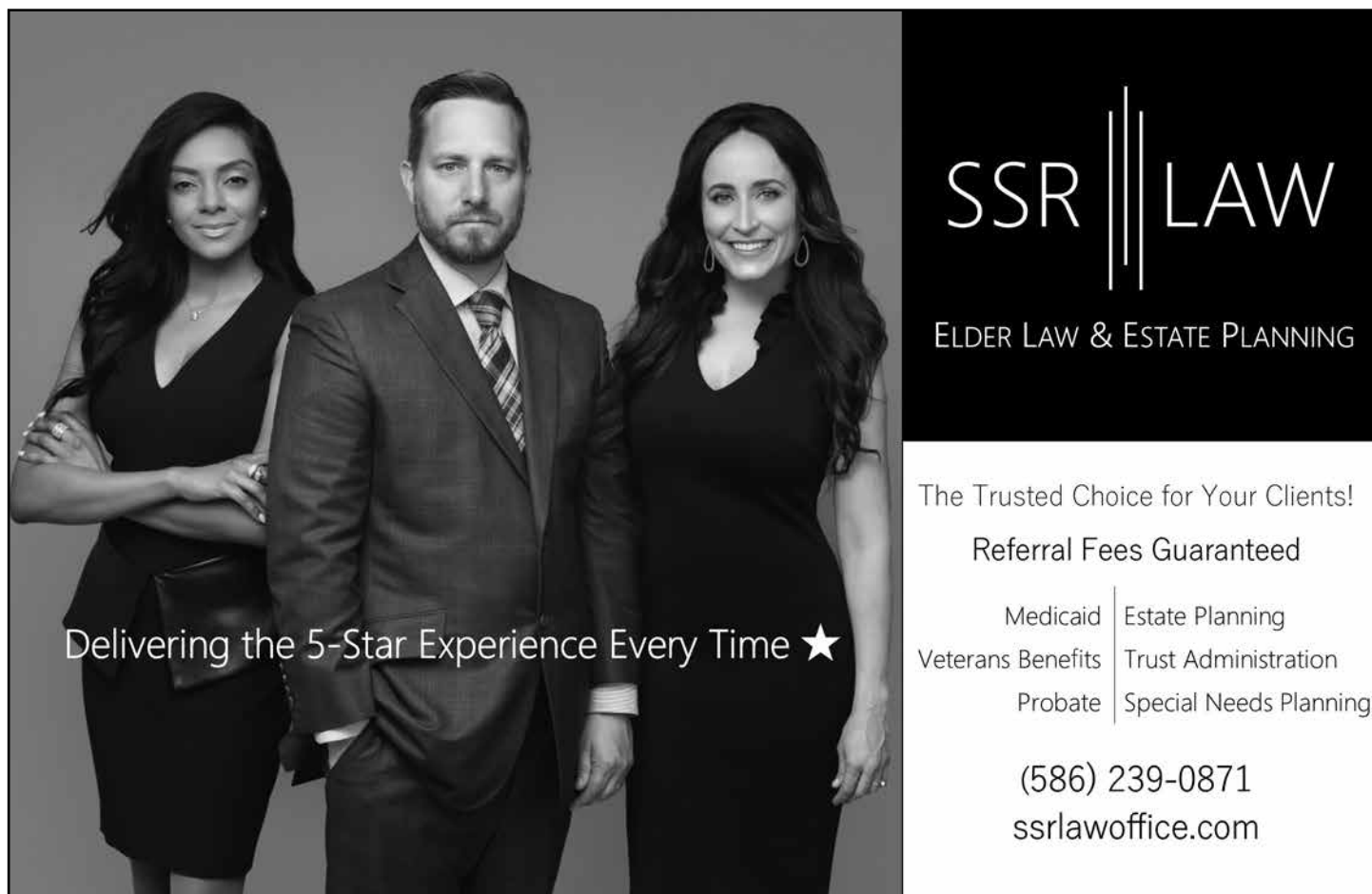
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Circuit Court Corner

By Macomb County Circuit Court Administration

In cooperation with the State Court Administrative Office and Macomb County IT, the 16th Judicial Circuit Court is expanding eFiling to include all criminal case types and divorces with minor children. This eFiling expansion will cover all filings in a case following case initiation, so the initiation of a case cannot be done through eFiling for the time being. Nonpublic documents will also be done outside the eFiling system for the time being. During the current pandemic, however, even these case initiating and nonpublic filings may be sent via email, fax, or mail to the County Clerk's Office, and convenience fees are waived until further notice. See clerk.macombgov.org/Clerk-Services-CourtFileroom.

Due to a very smooth process and a quick timeline for completion from the State, we anticipate that we will be going live around the time this edition of Bar Briefs comes out. Please be sure to check your email for Bar Blasts for further updates. This should assist all filers in taking care of their business with the Court without having to make extra trips to the courthouse. For more information, resources, and guides on using our system, please visit circuitcourt.macombgov.org/CircuitCourt-eFilingResources.



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Ring Out The Good News! The Liberty Bell Award has been Awarded for 2020

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

First, what is the Liberty Bell, you ask? It is an award that honors a person, who has contributed to a greater understanding of the American legal system or helped strengthen our system of justice, and is given in conjunction with Law Day celebrations. Attorney William P. Daniel, a lawyer from Flint, was the proponent for the creation of this award and the Young Lawyers Section of the State Bar of Michigan awarded the first Liberty Bell Award in 1962. The American Bar Association formally endorsed the award for use by bar associations nationally in 1964. Since then, the Liberty Bell Award has enhanced the observation of Law Day across the nation, and thousands of individuals have received recognition for extraordinary contributions to the American legal system.

Macomb County Bar's legal community has a long tradition of recognizing Liberty Bell winners, both through the association's young lawyers section, and now through the Bar Foundation. Past local recipients include, among others, Theresa Toia (Director Friends of Foster Kids), Casandra E. Ulbrich (VP Macomb Community College), Dan Rizek (City of Sterling Heights television), Craig Pappas (ED Resolution Center), Matthew Phillips (Legally Speaking), Renae Diegel (Director SANE), County Executive Mark Hackel, Marian Impastato (Retired School Teacher), Ronald Lupo (Retired Sherriff Inspector), Sally Rugal (Juvenile Court Referee), Neil E. Dempsey (Commercial Loan Officer Huntington Bank), Shelia Fidler (Pro Bono Coordinator Lakeshore Legal Services), and our own Executive Director Rick Troy (ED Resolution Center). Marian Impastato was the last person from Macomb to be also recognized as a statewide recipient of the Liberty Bell Award in 2001.

So, who is Macomb's recipient this year? The Foundation has selected Emily A. Diaz-Torres to be this year's 2020 Liberty Bell Award recipient. Emily A. Diaz-Torres is the Founder and Executive Director of

Macomb-Immigrant Service Center (MISC), which is a local non-profit that provides comprehensive human services and advocacy and empowerment programs to increase self-sufficiency and independence among Hispanics and persons of other cultures, who are in need within Macomb County. Although its core clientele and much of their staff are Spanish-speaking, MISC reaches out to and serves clients from all parts of the world. Since their official incorporation as a nonprofit in 2010, hundreds of Macomb-area residents have come to Emily Diaz-Torres for English and Citizenship instruction, notary services, document translations, volunteer interpreters for doctor appointments or phone calls to their child's school and many other possible hurdles to daily life in Macomb County.

Specific note-worthy accomplishments of Ms. Diaz-Torres are that she has provided legal immigration services and legal representation to hundreds of immigrant families in the Macomb County region; offered regular classes, year-round, in English (ESL) and citizenship; maintained a 100% success rate over five years of "Citizenship Preparation" classes; partnered with UAW and NIH to provide year-round Spanish-language community forums on vital workplace safety and life skill topics including financial planning, child nutrition and health, household and workplace chemicals, fire safety, ergonomics and CPR; and has received many commendations including those from the Catholic Archdiocese of Detroit, Michigan State University, the Macomb County Board of Commissioners, the Macomb Intermediate School District ELL Bilingual Instruction Program and The Detroit News, which chose MISC Executive Director Emily A. Diaz-Torres as a "2012 Michigianian of the Year."

We are so proud of her and grateful for the difference she has made for the benefit of our community. Let keep the bells chiming in her honor.

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Setting the Stage: Tips for Making Your Best Impression and Conveying the Message You Want During a “Zoom” Hearing

*By: Donald C. Wheaton, Jr., and
Hon. Tracey A. Yokich*

Even as the Governor relaxes the restrictions imposed through Executive Orders and life outside the practice of law resumes some semblance of normal, it would appear that “Zoom” hearings are with us for the foreseeable future. Accordingly, all practitioners should think of each Court appearance as if they were staging a show – because, in fact, they are.

For example, the first consideration you must make is scenery. When you attend a theater production and the curtain opens, one of the first things you’ll see is the backdrop that helps evoke the setting of the tale. So remember, what you choose to put “upstage” could upend your argument. Are you looking down into your laptop or phone and the ceiling is your backdrop? Or are you sitting at your kitchen table with your refrigerator in view? Don’t Zoom from your bed, either! And avoid having your well-stocked bar anywhere in the background. You should not choose a “virtual” background from Zoom; it can be distracting for other participants, and when you move your image can -- and will -- disappear into it. If in doubt, a blank wall is a good choice so others can easily focus on what you are saying. Always remember that you must be deliberate and careful of “what’s behind you” when choosing the location you Zoom from. This attention to detail will certainly

inspire a Client’s confidence in their decision to seek your help.

Lighting is also crucial, and it is equally as important as your scenery choice. Whatever you do, don’t be backlit by positioning yourself in front of a window, or by positioning yourself under a light fixture while peering down at your webcam. Is your lighting overhead? Are you relying on ambient light (now that you’re not in front of a window)? Do you have lamps you can use to provide a more pleasant atmosphere? Have you considered changing light bulbs to select a more flattering color? Is the light you are using bouncing off your forehead (or your eyeglasses) and blinding the viewer? Use lighting to your advantage, and provide others watching a softer and less stark impression whenever possible.

Costuming and makeup are also important, whether you like it or not. If you wouldn’t show up in Court in a bathing suit (with or without a tee shirt or robe or other cover), don’t do it on Zoom! Dress for a Court hearing as if you were appearing in person. It shows your Client and the Court that you take the matter seriously. If you are not willing to put some time and effort into your appearance, the Court may assume you have been equally lax in preparing and presenting your Client’s case. So, wear your suit and tie, gents; ladies, you know what is and isn’t professional. Watch your



Hon. Tracey Yokich with her dog, Sam
favorite newscaster and note what colors and designs photograph well. A great starting point is to avoid white shirts in favor of blue or beige and save plainly visible checks or stripes in your suits or shirts for your next in person appearance as they tend to blur on camera. But keep wearing those sharp ties! It goes without saying that no shorts, tank tops, or tee shirts should be worn, and for men no open-collared shirts. While it may be tempting to cheat or skimp on your appearance by looking well on top but wearing shorts or pajama bottoms or yoga pants below, that is a big “no-no” and an invitation for the inevitable disaster in your surroundings that forces you to stand up and make a “reveal” you may not want. Your look should be completely professional, from head to toe. Take the time to check on your client’s appearance before the hearing to avoid potential embarrassment, too: remember, your hearing will be Live

Streaming on YouTube!

Actors and directors work together to plot and point the paths the actor will take on the stage to project the purpose of the production. This is called “blocking.” You should similarly think about blocking from the standpoint of whether you wish to be seated for a Zoom hearing. Ordinarily, we don’t sit in Court when we are making arguments, so why would you do it on Zoom? Stand up! (But if you insist on sitting and you are wearing a jacket, pull the back of the jacket down under your behind so that you don’t have a huge fabric ripple behind your neck.) Find something you can use to put your file/notes/papers on so that they are immediately handy for your use and reference, but hopefully can’t be seen -- and be distracting as a result. And take note of your own posture and stance. If your proportions are “more generous,” as it were, you may wish to position yourself diagonally to the camera so as to make you seem more frugal. Regardless, position yourself to look attentive and alert at all times. And **always, always, always** make sure your camera is stationary -- you don’t want the Judge getting motion sickness during your hearing!

The height and quality of your camera also factor in. If your camera is not at eye level or a bit above, and you are using a laptop or smartphone camera where you are peering down into the webcam, you run the risk of distracting the observers with an overly-expansive view of your nostrils (or worse; it’s just not a picture you want to project.) Consider purchasing a 1080p camera, too: these are relatively inexpensive, as good versions can be had for less than \$100, and they have better photogenics and audio quality (than do most built-in microphones). In short: don’t be cheap, a good camera

and microphone is worth the minimal investment. You should also demur from making additional comments after your case is concluded until you are absolutely certain you have left the virtual courtroom. There is some lag time when you are removed from the hearing and video may be off but your microphone may still be hot!

Every electronic device that you use in a Zoom hearing should be renamed with your first and last name. If you really want to be a superstar, rename your device for each hearing and add the case number of the matter you are appearing on. Remember, you must turn off the device completely after you have changed your name and restart it for this to work. Test it out well before your hearing. This will allow the Court to identify you in the waiting room. Failure to properly name your device will pretty much guarantee you will be the last matter called, if at all. And this should be a relatively easy and straightforward point: give the Court your real, honest-to-goodness name you have listed with the State Bar (no “Fratboy 2010” or something equally juvenile or inappropriate). You are also responsible for making sure your Client’s device is identifiable and appropriately named. On most days, the Court staff does not have the time to call or contact “mystery” participants,

identify them, instruct them on how to rename their device, and rename them for the Judge.

Many of the Zoom hearings you’ll be involved in will require the use of Exhibits – otherwise known as props in the theater. And how you use and manipulate those props could be considered choreography. You need to work with the Court before the hearing to see how it wants exhibits identified, produced, and ready to be used during your hearing. Don’t hesitate to ask the Court to set up a practice session – this is new territory for the Judge too! Equally important are the Orders or Judgments you want the Court to enter: it is your burden, not the Clerk’s, Secretary’s, or Judge’s, to find out the best way to get the paper signed that you and your Client require. Each Judge has a separate email account for document exchange only -- submitting paperwork 48 hours before the

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hearing (e.g., JudgeYokichClerk@macombgov.org). Don't confuse that e-mail used for items you want the Judge to have **on the date of the hearing** (proposed consent judgments, judge's copy of pleadings, confidential records, etc.) with the Court's regular efile/file by fax/file by email system. The judicial court clerks will not accept any other than the limited scope of documents, and those they don't accept won't be "officially" received by the Court or entered into Courtview.

Finally, you must remember that you are also a director for your Client's Zoom presentation. It is on you, as the attorney and advocate, to virtually "meet" with your Client on Zoom to ensure that the Client's background, lighting, dress, stance, and name are appropriate. Make sure that both you and your Client have access to sufficiently strong WiFi to

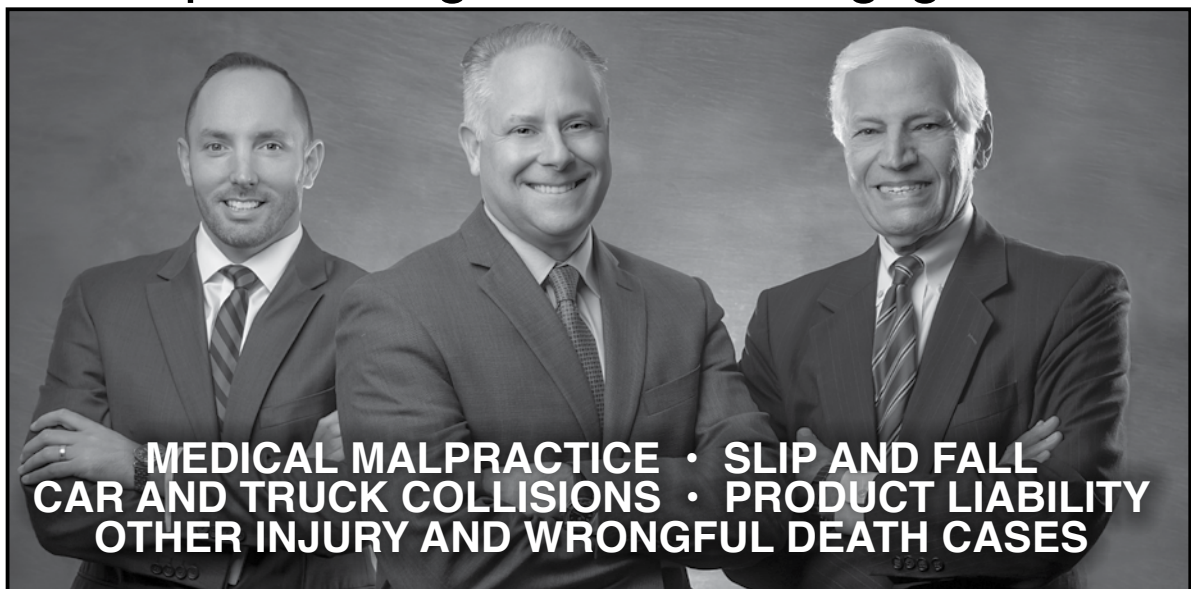
be heard and seen clearly. Counsel and their Clients should **always** participate by video if possible. Participating by audio only is a far less effective way to communicate. Just as you would advise your client to show up wearing Court-appropriate attire, not chawing on their gum, directing their attention to the Judge and making sure they listen carefully, just because the hearing is being held virtually doesn't relieve you of your responsibility; if anything, a Zoom hearing exponentially increases your culpability for your client. If you decide that your Client will come to your office and you will participate over the same device, please follow the CDC recommendations for social distancing and use face masks during the hearing. It is highly unlikely that the Court will ask you to sit closer together without face masks. Even if the Judge does, it is certainly less

embarrassing than being asked to don the mask and rearrange your seating, causing an unnecessary delay. Even more importantly, unless you advise the Court before your hearing by email (e.g., JudgeYokichClerk@macombgov.org) that your Client will be appearing with you – the Court staff has no way of knowing that until you are the last matter called that day! And because the choices that both you and your Client make when presenting the Client's case to the Court absolutely impact the Court's impression of you, your Client, and your Client's case, it is incumbent upon you as the experienced professional to ensure that as much as is possible isn't left to chance. That the hearing is virtual makes no difference.

Overture! Curtain! Lights!
Remember, please be safe and be healthy.

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MACOMB DAILY

Kish: Rombach most qualified candidate for Macomb prosecutor

- By Ken Kish For MediaNews Group
- June 4, 2020

I will restore public confidence in the leadership and integrity of the Macomb County Prosecutor's Office. I am pursuing justice, not politics or personal gain. I want to lead Macomb County into an era of legal reform for which I have been advocating at the local, state, and national levels. I have developed a detailed plan to refocus the prosecutor's office by embracing best practices as well as some new and improved "Justice Initiatives." I will empower assistant prosecutors with the discretion to resolve cases on the merits of the alleged offense and the alleged offender within the boundaries of some common sense guidelines. An assistant prosecutor with greater discretion will also be available for face-to-face discussions to consider the merits of individual cases when the guidelines may not yield a fair outcome.

Qualifications, leadership and experience are crucial in choosing the next Macomb County Prosecutor. With over 32 years of successful courtroom advocacy, I have been honored to serve our profession and our community in significant leadership and public service roles:

- | | |
|--|--|
| ☆ State Bar of Michigan President | ☆ Macomb County Charter Commissioner |
| ☆ Macomb County Commissioner | ☆ Macomb County Bar Association President |
| ☆ Hazel Park Prosecuting Attorney | ☆ Michigan Super Lawyer since 2015 |

I now represent the 46,000 lawyers and judges in Michigan in the National Conference of Bar Presidents and the American Bar Association House of Delegates. But I have never lost touch with my Macomb County roots. I worked my way up from being a parking attendant at the Young Lawyers Picnic in 1988 to being President of the Macomb County Bar Association in 1997, the first person ever elected under the age of 40. I have practiced in the trenches of the criminal justice system for my entire career. And I have fought for long overdue changes. As a leader in the MCBA, I successfully advocated before the Macomb County Board of Commissioners for the first substantial increase in the court-appointed fee schedules since 1972. As Vice-President of the State Bar of Michigan, I helped convince more legislators to sponsor Public Act 93 than any other bill in that session of the Michigan House of Representatives. Public Act 93 created the Indigent Defense Commission and memorialized the promise from the governor and the legislature of greater funding for the needs of indigent defendants and their lawyers.

Your financial support and endorsement is crucial to restore justice and integrity to the Macomb County Prosecutor's Office. Please visit tomrombach.com to help our campaign. I pledge to dedicate myself to the Macomb County Prosecutor's Office in the same wholehearted manner as I have dedicated myself to the legal profession throughout my 32-year career. Thanks for your consideration.

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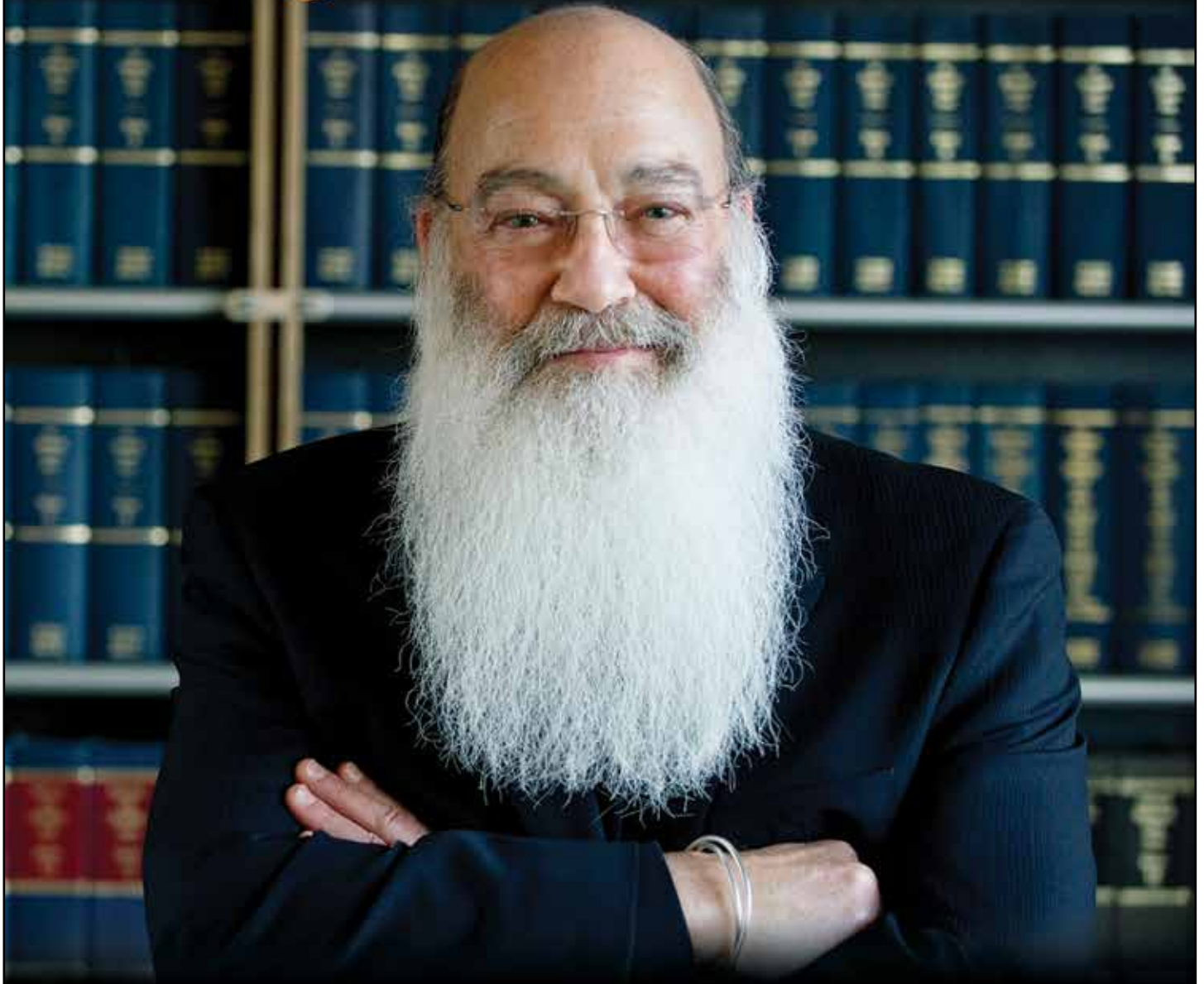
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dfraylick@Macombbar.org

Congratulations, Joe!



THE SHARP FIRM IS PROUD OF JOSEPH GOLDEN'S COMMITMENT TO THE BETTERMENT OF THE LEGAL PROFESSION THROUGH HIS LEADERSHIP POSITIONS AT THE MACOMB COUNTY BAR ASSOCIATION. WE HEARTILY AND SINCERELY CONGRATULATE HIM ON HIS ASCENSION TO PRESIDENT, AND LOOK FORWARD TO SEEING WHAT THE UPCOMING BAR YEAR WILL BRING.

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