

BAR BRIEFS

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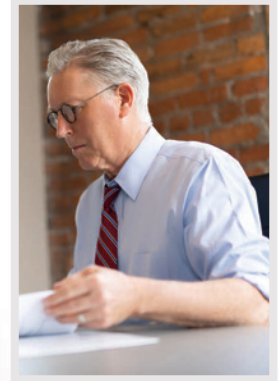
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Macomb County Circuit Court Building
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Guiding the Next Generation of Macomb Lawyers

*By Farrah Ramdayal-Howard, President,
Macomb County Bar Association*

Every lawyer remembers that uneasy stretch between finishing the bar exam and waiting for results. It's a strange mix of exhaustion, hope, and anticipation — the culmination of years of study, sacrifice, and late nights, followed by an almost unbearable stillness.

I remember the moment vividly, it was a chilly Halloween day in 2009, and I had been checking the mail as if it were my full-time job for weeks. Every day, I'd walk to that mailbox with a racing heart, hoping that envelope would finally appear. And then, on that day, there it was, correspondence from the Board of Law Examiners.

My heart dropped. I stood there, staring at that envelope, realizing that everything I had worked for was inside every class, every exam, every sleepless night, it all came down to this one piece of paper. I didn't even make it back upstairs to open it. I stood in the middle of the lobby of my condo building, peeled open the envelope, and peeked inside just enough to see one word: "Passed."

I remember exhaling in a way I hadn't in years. I leaned against the counter, overwhelmed with relief, gratitude, and disbelief. It was one of those moments that define you, the kind that reminds you what it means to work hard, persevere, and finally see it all come together.

Whenever I question what I'm doing or feel worn down by the demands of this profession, I think back to that moment, that younger version of myself who was filled with excitement, hope, and possibility. I remember how much it meant to me to be able to finally call myself an attorney and to make that most anticipated call to my mom to tell her, I passed!

For so many of today's new lawyers, that moment of accomplishment is just as powerful. However, the world they're stepping into is very different.

This new generation of attorneys has faced challenges unlike any we've seen before. Many of them went to law school during the pandemic. Some attended classes entirely online. Their professors and classmates existed in tiny boxes on a computer screen. Their bar exams were taken at home, in their living rooms, without the collective anxiety of traveling to East Lansing, getting a hotel room and having the camaraderie of their peers beside them. They learned the law in isolation, then emerged into a profession that was, at the time, equally isolated.

Now, as the world returns to in-person practice, hearings, and bar events, these new attorneys are navigating a transition

back to real-world interaction — something that many of us took for granted early in our careers. They are adapting not only to the pressures of practicing law but also to the renewed rhythms of professional life: meeting clients face-to-face, arguing in crowded courtrooms, and building relationships in person rather than through a screen.

And that's where we, as a bar community, come in.

I am proud to announce the launch of the Macomb Mentorship Program, an initiative designed to pair newer attorneys with experienced practitioners in our community. The goal is to provide meaningful, ongoing support to attorneys within their first five years of practice while giving seasoned lawyers an opportunity to share their knowledge, perspective, and professional values.

Your participation is vital to the success of this program.

Interested members will fill out a short questionnaire and we'll use that information to create thoughtful, meaningful pairings that foster both professional and personal connection. Each pairing lasts one year, with flexibility for a continued connection. Participants will be encouraged to meet at least quarterly. Discussion topics may include courtroom practice, ethical dilemmas, client relations, marketing, time management, and work-life balance.

For our new attorneys, I want to say this: you are entering a profession that is challenging, yes, but also incredibly rewarding. Don't be afraid to ask questions. Don't be afraid to reach out. The lawyers who have been practicing in this county for decades have so much wisdom to share — and they want to help you.

And to our more experienced members: you are the guardians of this profession. You've seen its highs and lows, its changes and constants. Your guidance, patience, and professionalism are the very things that will sustain our bar for generations to come.

As we welcome a new group of lawyers who have just received their bar results, I encourage every seasoned attorney reading this to remember your own moment, the day you opened that envelope and saw the word "Passed." Remember what that meant to you. Remember the hope, the pride, and the sense that the world was wide open before you.

We are excited to begin the Macomb Mentorship Program! Stay tuned for details on how to join.



Macomb County Bar Foundation Happenings!

By Sherrie L. Detzler, MCBA President-Elect and MCBF President

We, as lawyers, are most grateful and recognized how we have been fortunate to have the opportunity every day to make a difference for another and uphold the rule of law. We do purposeful work, it is fulfilling. We empower our clients and help them navigate challenges and have a better life. But why is it so very difficult for us to practice self-appreciation? Your well-being depends on it.

Practicing gratitude can help you manage stress and anxiety by shifting focus to the positive aspects of your work and lives. Recognizing the positives can help silence your inner critic and boost your self confidence. Most importantly, practicing self gratitude can lead to a calmer mind, which allows you to more meaningful rest and relaxation.

During this season of gratitude, we hope you will spend time reflecting on just a few reasons to appreciate yourself! You are promoting justice. You have incredible communication skills and every day you master this art. You are sought out to share your knowledge. That is powerful! Through every challenge you face, professionally and personally, you grow in who you are, that is rewarding. You are valuable to everyone, but most significantly to yourself. I encourage you to find your joy.

Speaking of being grateful, in observance of Constitution Day 2025, we were fortunate to spend a day reading: *It's the Law! The U.S. Constitution from A to Z* at elementary schools across the county! Macomb County Bar Association Treasurer Elisha Oakes and Women's Lawyers of Michigan Macomb President, Jen Smith, were joined by MCB Foundation Executive Director Maddie Bennage, Treasurer Paul Spaniolo and President Sherrie Detzler. While we can all agree it was fun sharing a little American history, heritage, and how the U.S. Constitution protects us, the most fun was answering the many questions from the children. All and all, we covered a lot of territory and shared a positive message about honoring America and our system of government. The future leaders of our Country are

brilliant and we appreciate the teachers and school officials that allowed us to visit.

We are pleased to announce the following Macomb County Bar Foundation 2025-2026 Chairpersons of the Standing Committees:

William Moore—Long Range Planning Committee

Paul Spaniolo—Finance Committee

Jen Smith and Tanya Grillo –Nominating Committee and Scholarship Committee

Sherrie Detzler—KMC Memorial Fund Committee

Stephen Becker—Fund Development Committee

Feel free to reach out to any one of us with your suggestions, comments, and compliments! We look forward to growing with your participation.

Coming Up Next:

Annual Holiday Raffle! Each ticket gives you 31 opportunities to win based on the evening lottery drawing during the month of January 2026. \$250 or \$500 on Saturdays. These raffle tickets make excellent holiday gifts. Our programs are funded through this annual event and we appreciate the constant and continued support of so many. Thank You.

Feed the Need Community Event. Sponsorship and Volunteer opportunities are available to provide needed support, including food and essentials to our neighbors in need. More information will be shared in the coming weeks.

Huge shoutout to all the Macomb County Bar Foundation Trustees. We could not continue to do everything we do without You. We are grateful!



Macomb County Prosecutor Streamlines District Court Adjournments to Improve the Filing Process

By Nancy Zieah, Assistant Prosecuting Attorney



The Macomb County Prosecutor's Office has been modernizing its case management process by improving the flow of information between prosecutors and defense attorneys. One of the steps taken is aimed at streamlining adjournment requests in an efficient and user-friendly manner. Attorneys and other filers can now use the county website to electronically request adjournments.

The online request form for District Court adjournment requests is accessible from the Macomb County Prosecutor's Office website and provides users with the ability to complete a web-based form that is automatically routed to the prosecutors assigned to that court.

The form is available on the Prosecutor's Office website at <https://macombgov.org/prosecutor> and provides several advantages:

- **Efficient Response Time:** By enabling the Prosecutor's Office with the ability to process adjournment requests electronically,

the Prosecutor's Office is able to reduce delays in response time, reduce angst for crime victims, and further improve equity for defendants and their legal representation.

- **Increased Accuracy:** Digitally accepting adjournment requests allows the Prosecutor's Office an opportunity to ensure that the request reaches the appropriate prosecutors and thus, improves the overall function, efficiency, and accuracy of the filing process.
- **Improved Access to Justice:** When effective case flow and trial management is improved, the quality of justice is enhanced. By providing digital solutions for requesting adjournments, the Prosecutor's Office is able to properly manage workflow and further ensure procedural due process.

The online form is specifically for Macomb County district courts. It does not apply to Macomb County circuit court filings because the circuit court has its own efilings system.

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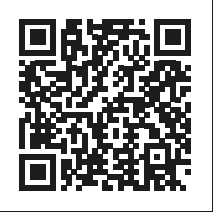
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Pilot Child Support Specialty Court Anticipated to Launch Before Year's End

By Esther E. Wolfe, Communications Director Macomb County Prosecutor's Office



Protocols are being finalized for the Pilot Child Support Specialty Court, a voluntary program designed to give parents with significant child support arrears one last opportunity to get back on track and avoid a permanent felony conviction.

Purpose and Goal

With \$300 million in arrears in Macomb County and \$5.6 billion statewide, the need for innovative solutions is clear. The goal of the program is simple:

- Ensure children receive the financial support they are owed.
- Address barriers—such as unemployment or lack of job skills—that keep parents from paying.
- Provide accountability paired with resources, so parents can succeed.

Process and Program Overview

When a parent in Michigan falls more than \$5,000 behind and has made no payments for at least three months, the Macomb County Prosecutor's Office reviews the case for criminal prosecution. The Office investigates ability to pay and will exhaust all efforts to work with the parent on payment options. If that effort does not succeed, a felony non-support charge is issued.

The Child Support Specialty Court will offer “another bite at the apple.” Participants will sign an agreement of program requirements and consequences. They will plead guilty to the felony charge but, while participating in the program, the sentence will be delayed. They will be closely supervised, required to maintain employment and make child support payments, and supported with services through Michigan Works and other partners.

Michigan's Clean Slate Law has opened new employment opportunities, and job placement is available even for those with soft felony convictions. Applications will be considered on a case-by-case basis.

Collaboration and Thanks

The Child Support Specialty Court Advisory Board is guiding the program and includes:

- Judge Teri Lynn Dennings, Judge of the Child Support Specialty Court and Macomb County Circuit Court
- Vice-Chair Harold Haugh, Macomb County Board of Commissioners

- Deputy Chief Jevona Fudge, Cooperative Reimbursement Unit
- Assistant Prosecuting Attorney Jeremy Fisher, Cooperative Reimbursement Unit
- Christina Wohlfield, Court Services Director
- Brian Nichols, Friend of the Court Administrator
- Erin Freers-Cole, Public Defender (or designee)
- Le’Kia Stimage, Macomb County Probation Department Supervisor (or designee)
- Anthony M. Wickersham, Macomb County Sheriff (or designee)
- Justin Al-Igoe, Executive Director, Macomb Workforce Development Board of Michigan Works (or designee)

Special thanks go to Chief Judge James M. Biernat, Jr., Chief Judge Pro Tempore Rachel Rancilio, Family Court Chief Judge Matthew S. Switalski, Judge Terri Lynn Dennings, and Judge Tracey A. Yokich for their guidance and oversight, and to Macomb County Board of Commissioners Chair Joe Sabatini and Vice-Chair Harold Haugh for their consistent leadership and support. These individuals have been essential to making this program a reality. The Prosecutor's Office also acknowledges the guidance and partnership of the Macomb County executives, administrators and community leaders listed above, whose expertise ensures the program balances enforcement with meaningful opportunity for parents and families. This program originated through the determination and advocacy of Prosecutor Peter J. Lucido and the Cooperative Reimbursement Unit (CRU) team—Chief Kym Shinneman, Deputy Chief Jevona Fudge, Assistant Prosecuting Attorney Jeremy Fisher (innovator of this program), and Investigators Chris O'Branovic and Laura Manzella.

For attorneys: The Child Support Specialty Court provides a new option to provide training and job support while helping parents avoid the long-term consequences of a felony conviction while ensuring children receive the support they deserve.

Attorneys with questions or feedback about this program can call (586) 493-4488 or email pafelonynonsupport@macombgov.org.

Governor Whitmer presented with Michigan Innovation Dollar

Featuring Hon. Steven M. Bieda, 37th District Court Judge

Prior to his appointment to the 37th District Court, Judge Bieda was appointed by the Governor to work on the development of the theme and design of the Michigan Innovation Dollar in April 2022.

The legal tender collector coin is currently offered by the United States Mint, and is available at www.usmint.gov.

The Michigan Innovation Dollar is composed of the same composition and size as the Sacagawea Dollar coin first issued in 2000. The Michigan Innovation Dollar represents the innovation of the automobile assembly line and the release ceremony was held on April 8, 2025 at the Detroit Historical Museum. The coin was designed by Ronald Sanders and sculpted by John McGraw. The release ceremony can be viewed on YouTube by typing "Michigan Innovation Dollar Release" in the



Official Liaison Steven Bieda and Governor Gretchen Whitmer hold a U.S. Mint poster of the Michigan Innovation Dollar. Photo Credit: Office of the Governor, Michigan.

YouTube search bar or going to <https://www.youtube.com/watch?v=HkqcFtdJLHI&t=450s>.

According to the U.S. Mint's narrative, the coins in the American Innovation Dollar series are to be issued depicting designs which symbolize "the willingness to explore, to discover, and to create one's own destiny." The coin program showcases an innovation, innovator or group of innovators from each State or territory. The reverse of each coin depicts an innovation or innovator. The uniform obverse design of the Innovation Dollar series features a three-quarters view of the Statue of Liberty (Liberty Enlightening the

World), designed by Justin Kunz, along with the denomination \$1 Dollar and the national motto, "In God We Trust."

A formal presentation of the coin to Michigan's Governor occurred on June 3, 2025.

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Clerk Anthony Forlini Shares Office Advancements with MCBA Members

*By Maddie Bennage, Executive Director,
Macomb County Bar Association*

The Macomb County Bar Association recently hosted an engaging presentation featuring Macomb County Clerk Anthony Forlini, held in the Jury Room of the Macomb County Circuit Court. The event was designed to inform MCBA members about the significant strides made in the Clerk's Office under Clerk Forlini's leadership, and to recognize ongoing efforts to enhance efficiency, accessibility, and service delivery.

Clerk Forlini outlined a clear, three-phase vision for transforming the Clerk's Office:

Phase 1 focused on restoring respect and accessibility to the office. This included improving the public-facing appearance of the office and ensuring it operated with greater efficiency.

Phase 2 emphasized running the office like a private business, with measurable improvements in service times. For example, what once took 45 minutes—such as obtaining

a Concealed Pistol License (CPL) or a marriage certificate—now takes just five minutes from start to finish.

Voicemail systems have been eliminated entirely; when you call the Clerk's Office, you speak to a real person and get the help you need immediately. Technology upgrades have also been implemented to streamline internal processes and enhance public service.

Phase 3 looks toward the future, with initiatives including tract indexing, improved storage solutions for records, continued digital scanning, and a rebranding of judicial court clerks. Cross-training staff and eliminating siloed workflows has further improved overall office efficiency.

In recognition of these efforts, the Macomb County Clerk's Office has received two national awards out of 5,000 municipalities eligible and only 28 awards given. The Macomb County Clerk's Office was the only office in Michigan to win and the only office in the country to receive two awards.

The Macomb County Bar Association thanks Clerk Forlini for his commitment to innovation and transparency, and for taking the time to share these impressive developments with our members.



*Farrah Ramdayal-Howard, President of Macomb County Bar Association, and
Anthony Forlini, Macomb County Clerk*



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Practical Collection: The Uncharted Frontier (Part Two)

By Angelo Donofrio, Trial Attorney at Lucido & Manzella, PC



Last month, I wrote about how to preserve your fees with written contracts and collection of personal information. In this second part of my four-part series on collection, I will discuss how to handle a fee dispute, and when you sue to collect your fees. As always, these tips come from personal experience, and I employ these tips when I collect my fees, and fees for other attorneys.

If a dispute arises during litigation and before final judgment, you must seek a withdrawal order from a court. An attorney only serves a client in a pending case until a final judgment is entered (unless an attorney opts to continue working on the matter to extent possible)¹. An attorney is permitted to withdraw from a case when “the representation will result in an unreasonable financial burden on the attorney or has been rendered unreasonably difficult by the client.”² An attorney is obligated to continue working on a pending case until a withdrawal order or substitution order are signed.³ This is relevant to the accrual of a claim for malpractice. Malpractice (as a civil claim) has a two-year statute of limitations.⁴ As an affirmative defense, however, there seems to be no limitation on raising it.

An attorney does not “discontinue servicing” his client for purposes of the malpractice statute of limitations until the client, or the court, relieves the attorney of the latter’s obligations or until the attorney completes a specific legal service that the attorney was retained to perform.⁵ In one case, a court treated the accrual of a malpractice claim when the client terminated the relationship by letter, though the withdrawal order was signed four months later.⁶ Another court treated the claim’s accrual when the client hired other attorneys and terminated the prior attorney’s power of attorney.⁷ Best practice dictates that you wait more than two years after you receive a withdrawal order before filing a lawsuit. When there is no litigation (or none was ever pending), it is best to wait two years after the last legal service is completed, or when the client demands that you cease your services. In such instances, you should draft a letter indicating that, as of the last date of service (or when the client discharged you), the representation has concluded.

When collecting your fee, you should send a letter demanding payment. This is because one claiming a substantial breach of contract should provide an opportunity to cure.⁸

Before mailing a demand letter, confirm the former client’s address is correct with a postal verification. Every jurisdiction is different, so check the USPS website, or ask a local branch how to do this. At this juncture, you are permitted to disclose “confidences or secrets necessary to establish or collect [your] fee” so this should not inhibit you.⁹ After you send a demand letter, you should file your lawsuit with three principal claims. For me, the three claims are: (1) breach of contract, (2) unjust enrichment, and (3) action on an account stated. The first claim speaks for itself.¹⁰ You must affix a copy of the contract to the complaint,¹¹ and plead that all conditions precedent to the defendant’s performance have occurred.¹² It is necessary to add your attorney’s fees to the damages you seek.

¹ MCR 2.117(C)(1).

² See Michigan Rules of Professional Conduct Rule 1.16(a)(5): *Declining or Terminating Representation*.

³ MCR 2.117(C)(2).

⁴ MCL 600.5805(6).

⁵ *K73 Corp v Stancati*, 174 Mich App 225, 228-29 (1988), leave denied, 432 Mich 897 (1989).

⁶ For purposes of the two-year statute of limitations applicable to legal malpractice claims, the statute commenced to run as of date of plaintiff’s letter, which effectively discharged defendants’ law firm from representing him in subject estate litigation, notwithstanding fact that court order allowing withdrawal was entered some four months later, or any language to contrary in retainer agreement. *Hooper v Hill Lewis*, 191 Mich App 312 (1991).

⁷ In that client’s legal malpractice case, the trial court properly granted summary disposition to the attorney and her law firm because the client failed to file his complaint within the two-year statute of limitations of MCL 600.5805(6), which accrued when the client effectively terminated the attorney-client relationship by hiring other attorneys, executing documents revoking the attorney’s power of attorney, and granting his new attorneys power of attorney to represent him in a patent application process. *Wright v Rinaldo*, 279 Mich App 526 (2008).

⁸ Under Michigan law, a party is not precluded from terminating a contract on the perceived basis that the other party breached it materially without first providing notice and an opportunity to cure. Rather, that failure to offer an opportunity to cure would be a factor to consider when determining whether there was a material breach. See *Walker & Co. v Harrison*, 347 Mich 630, 634-36 (1957).

⁹ See Michigan Rules of Professional Conduct Rule 1.6(c)(5): *Confidentiality of Information*.

¹⁰ “A party asserting a breach of contract must establish by a preponderance of the evidence that (1) there was a contract (2) which the other party breached (3) thereby resulting in damages to the party claiming breach.” *Miller-Davis Co v Abrens Construction, Inc.*, 495 Mich 161, 178 (2014).

¹¹ MCR 2.112(E)(1).

¹² MCR 2.112(C)(1).

As for an unjust enrichment claim,¹³ you should plead that you are requesting this as alternative relief¹⁴ in case a court voids or disregards your contract. You should also try and avoid referencing the underlying contract as the factual basis for the claim since an unjust enrichment claim cannot be maintained when there is a written contract covering the same subject matter.¹⁵ Add all your damages into your request for relief when pleading this claim.

An account stated claim is demonstrated differently. Proof of mutual dealings between two parties “that have been adjusted, settled, and [show] a balance struck, the law implies a promise to pay that balance.”¹⁶ When invoices are sent out, and either paid, or not objected to within a reasonable time, an account becomes stated.¹⁷ You should file the complaint with the invoices detailing payments and the balance. You should also file an affidavit of account stated as an exhibit with facts sufficient to establish the account.¹⁸ A failure by the defendant to object with a counter-affidavit creates prima facie evidence of the account’s existence.¹⁹

You should request a sum certain, with all contractual interest and prejudgment interest included,²⁰ and taxable costs in your complaint.²¹ You should always seek to personally serve a defendant, though certified mailing is permitted.²² You should use a professional process serving company to personally serve a defendant and defeat claims of surprise.²³ Make sure to file a proof of service. After 21 days from the date of personal service (or 28 days after mailing, with proof of receipt provided), you may file for a default against a defendant.^{24 25} After 7 days after service of the default, you may file for a default judgment using the MC 07a form for a sum certain.²⁶ If you plead a sum certain, you do not need to give notice of entry of a default judgment until after it is entered.²⁷ Make sure your math is correct so the default judgment is not rejected. After 21 days from entry of a judgment, you may begin to collect.²⁸

If the defendant decides to litigate, then it is time to do what we do best. Performing appropriately in the underlying representation, coupled with my tips in these two articles, will provide you the best chance to prevail. Hiring other counsel, however, may be best in this situation. In the next article, we talk about how you will collect your judgment.

¹³ Unjust enrichment is “the unjust retention of money or benefits which in justice and equity belong to another.” *Tkachik v Mandeville*, 487 Mich 38, 47-8 (2010) (quotation marks and citation omitted). “A claim of unjust enrichment requires the complaining party to establish (1) the receipt of a benefit by the other party from the complaining party and (2) an inequity resulting to the complaining party because of the retention of the benefit by the other party.” *Id.* at 22-3.

¹⁴ See MCR 2.111(2)(a).

¹⁵ *Belle Isle Grill Corp. v City of Detroit*, 256 Mich App 463, 477-78 (2003).

¹⁶ *Keywell & Rosenfeld v Bithell*, 254 Mich App 300, 331 (2002) (citation omitted).

¹⁷ *Corey v Jaroch*, 229 Mich 313, 315 (1924).

¹⁸ MCL 600.2145 states: “[i]n all actions brought in any of the courts of this state, to recover the amount due on an open account or upon an account stated, if the plaintiff or someone in his behalf makes an affidavit of the amount due...annexes thereto a copy of said account, and cause a copy of said affidavit and account to be served upon the defendant, with a copy of the complaint filed in the cause or with

the process by which such action is commenced, such affidavit shall be deemed prima facie evidence of such indebtedness, unless the defendant with his answer, by himself or agent, makes an affidavit and serves a copy thereof on the plaintiff or his attorney, denying the same.”

¹⁹ *Id.*

²⁰ MCL 600.6013.

²¹ See generally MCR 2.625.

²² MCR 2.105(A)(1-2).

²³ I have a great process serving company that serves not only pleadings, but motions, PPOs, orders, and performs general filing and courier tasks. I can provide it upon request.

²⁴ MCR 2.108(A)(1).

²⁵ MCR 2.603(A)(1-2).

²⁶ MCR 2.603(B)(1)(a-c).

²⁷ *Id.*

²⁸ MCR 2.614(A)(1).



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Judge Joseph and Theresa Toia are lifelong Macomb County residents with a shared dedication to public service and community impact. They have a deep-rooted commitment to family values and community service.

Judge Toia serves on the Executive Board of the Michigan Judges' Association and as Co-chair of the Civil Law Committee. He is a Director of the Macomb County Bar Foundation and a member of both the Michigan and the National Association of Treatment Court Professionals. Judge Toia has civil and criminal dockets and is a Judge of the 16th Circuit Adult Drug Court program. Prior to his appointment in 2015, Judge Toia was in private practice for 31 years.

Theresa Toia is the founder of Friends of Foster Kids, a 501(c)(3) charity organization based in Macomb

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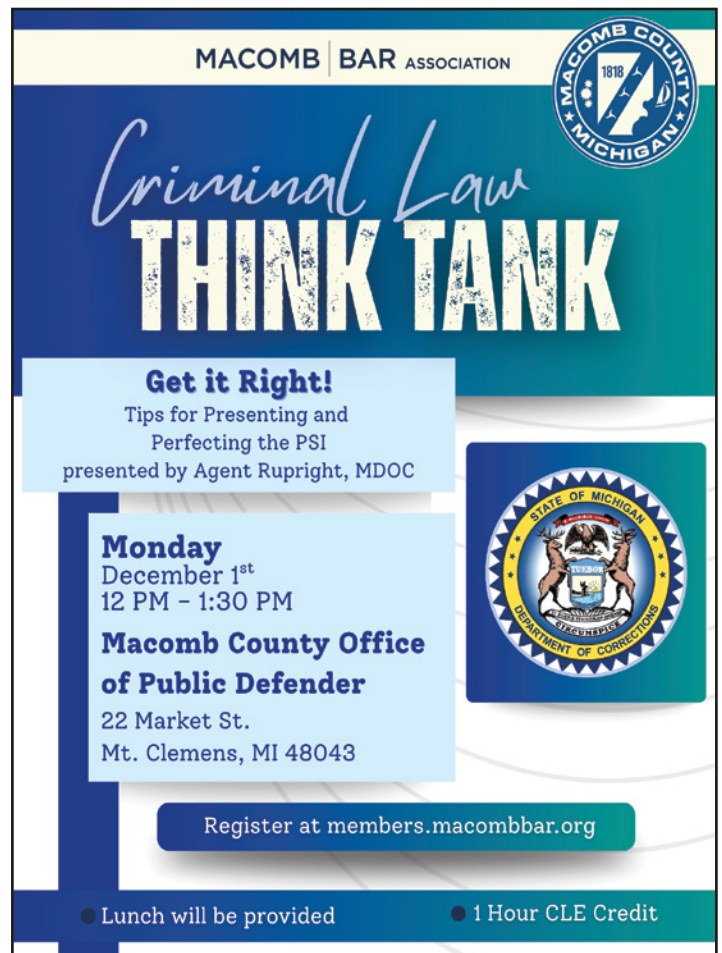
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