

# BAR BRIEFS

Official Publication of the Macomb Bar Association

March 2026



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# Springing Into Growth

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

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Spring 2026 officially begins on March 20.

In Michigan, that date feels like a turning point. We've made it through the gray skies, the early sunsets, the random snowstorms, and the kind of cold that settles into your bones. And then, almost without fanfare, the days stretch a little longer. The light lingers. Daylight Saving Time gives us brighter evenings. Something shifts, not just in the weather but in us

There is an energy that comes with spring.

With more daylight, we feel like we have more time. The air softens. The sun is still up after dinner. We start thinking maybe we can finally get ahead: start more, finish more, be more productive... more productive! Can you imagine?

Of course, productivity probably isn't the problem. If anything, our schedules seem layered nowadays. It's rarely a choice between one thing or another. More often, it is choosing among three urgent emails, three deadlines, and three matters that all demand attention, and deciding which receives it first. The practice of law today isn't slow. It's constant. It's decision after decision. And what we choose to do with our time matters.

As the days grow longer, maybe the opportunity isn't to cram more into them but to be more intentional with how we use them. Spring gives us a natural reset. A reminder that growth doesn't happen all at once. It's seasonal. It's deliberate.

Professional growth works the same way. Experience comes with time. But development? That's a choice. It's choosing to attend the program after a long day in court.

Choosing to mentor someone new to the profession. Choosing to stay curious about changes in the law. Choosing to sharpen skills we already use every day.

It's easy to treat continuing education like just another box to check. But at its best, it isn't a requirement, it's a commitment. A commitment to staying sharp, to serving clients well and to honoring the responsibility that comes with this profession.

There's something special about practicing law in Michigan. We feel winter in full force and because of that, we appreciate spring more. The renewal feels earned. The sunlight feels restorative. The change reminds us that growth often follows endurance. Maybe instead of rushing past winter, we can appreciate that it's what makes renewal possible.

This March, as the light returns and the weather begins to cooperate, we have an opportunity not just to fill our calendars, but to choose thoughtfully how we spend our time. To spring into gear with intention. To use the longer days not just for busyness, but for improvement.

Growth in our profession doesn't happen automatically. It happens because we decide it matters. With that in mind, I encourage you to join us for our upcoming events. March 24, 2026, is our yearly TopGolf event, you won't want to miss it!

Spring will also bring continuing education luncheons, our annual meeting, our golf outing, and our monthly 501's. Choose to be present. Choose to invest in yourself. Choose to be there.

**Growth in our  
profession doesn't  
happen automatically.  
It happens because  
we decide it matters.**



# Judge Tanya A. Grillo Sworn In as 16<sup>th</sup> Judicial Circuit Court Judge

*By Chief Judge James M. Biernat, Jr.*

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On Friday, February 6, 2026, Tanya A. Grillo was sworn in as Judge of the 16th Judicial Circuit Court in a ceremony attended by her family, friends, and members of the 16th Judicial Circuit and Macomb County Probate Court bench. Judge Grillo took the Oath of Office administered by Judge Laura Polizzi of the 52-3 District Court.



The Oath of Office marks more than the beginning of a new judicial role. It represents a public commitment to fairness, independence, and service to the rule of law. With the oath, Judge Grillo accepts the solemn responsibility to uphold the Constitution and serve the people of Macomb County.

I had the opportunity to work directly with Tanya during the development of MIDC and the Public Defenders Office in Macomb County. Her passion for the law and her commitment to public service were instrumental in bringing that project to completion. Her professional experience will be an asset to the Macomb County bench.

We welcome Judge Grillo and look forward to her service to Macomb County.



# Requesting Discovery from the Macomb County Prosecutor's Office

*By Jonathan Mycek, Assistant Prosecuting Attorney*



In 1945, American engineer Percy Spencer discovered that the chocolate bar in his pocket melted when he walked close to a magnetron – a vacuum tube that generates microwaves. This discovery led to the microwave oven.

Lucky for you defense attorneys, ruining pants or perfectly good chocolate bars are unnecessary for the discovery in your criminal cases. All you need is a device to get online and a little patience.

**Navigate** to the Macomb County Prosecutor's Office (MCPO) Webpage via your favorite internet search engine or go directly to <https://www.macombgov.org/departments/prosecutors-office> on your internet device.

**Scroll** down to the **Resources for Defense Attorneys** link and click it.

Under **Online Resources**, find the **Request Discovery** link and **click it**.

**Read** the Discovery webpage and familiarize yourself with the options.

**If** you are appointed by our friends at the Macomb County Public Defender's Office (MCPDO) to represent a felony defendant, the initial discovery request will be made by the (MCPDO). Make subsequent supplemental requests to [discovery@macombgov.org](mailto:discovery@macombgov.org).

**If** you were appointed on a case without a felony charge, make the initial discovery request yourself through the **Request Discovery** link.

## **Request discovery in one of two ways:**

- On the Discovery webpage, click the **Discovery Request Form**, fill out the form completely, following its directions. Use your mouse – or a finger, if your device allows – to sign your name at the bottom of the form. **Do not** print the form, sign it with a pen, scan the form and submit it. Once you have completed the form, click **Submit**.
- Alternatively, **text** "discovery" to **586-250-4090** and – provided your cellular device can handle it – you will

receive a link to the **Discovery Request Form**. Again, fill out the completed form and click **Submit**.

**ALL DISCOVERY** is digitally shared via a secure and traceable download links. Reports are sent through Karpel and digital evidence through Evidence.com.

You **will not** be able to request discovery and receive it in hardcopy.

You **will not** be able to request discovery and bring a supplemental drive to the MCPO for a direct download.

You **will** receive an email from MCPO Discovery, with a link, that allows you to download your requested materials.

The MCPO Discovery Unit will fill your discovery request **rapidly**, so **check your email** account for the email with the download links. The download links have a shelf life, so make use of them as soon as you receive it.

To have an idea of when your request will be fulfilled, **return** to the Discovery webpage. The page is routinely updated to reflect the dates being processed.

**If**, after a reasonable period, you don't see the link in your email inbox, first check your spam folder. If it's not there, contact MCPO Discovery at [discovery@macombgov.org](mailto:discovery@macombgov.org) or **586-469-7334**.

**If** you click the links, download the materials, and can't find the materials you downloaded, try looking in your device's "Download" file or click the link a second time, taking note of your device's download settings. If you can't find the materials, **don't call MCPO Discovery**. The MCPO Discovery Unit is a dedicated group of conscientious professionals, but **they are not technical support for your device**. Know your device and your device's own technical support service.

**If** you click the links and nothing happens, the links **might have expired**. If the links expire, contact MCPO Discovery at [discovery@macombgov.org](mailto:discovery@macombgov.org) and admit to letting the link(s) expire. MCPO Discovery won't judge you, they'll send the link again.

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Make **supplemental discovery requests** via an email to [discovery@macombgov.org](mailto:discovery@macombgov.org). Tell the MCPO Discovery Unit that you've already received original discovery and are specifically requesting **supplemental discovery**.

Claims you were unable to open the data can be checked. Evidence.com creates a discovery paper trail that will track when discovery materials are provided, when the materials are accessed, when the materials are downloaded, and who works with the materials. Assistant Prosecutors can contact the MCPO Discovery Unit – and will – to rebut allegations of discovery misconduct or error.

In sum, remember, it is defense counsel's duty to prepare, investigate, and present all substantial defenses.<sup>1</sup> A necessary and common-sense predicate to fulfilling this duty is requesting discovery to see the evidence arrayed against your client. Attorneys, do yourself a favor and avoid an ineffective assistance of counsel claim and ask for discovery.

<sup>1</sup>In re Ayres, 239 Mich. App. 8, 22 (1999)



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# When a Parent Is Suddenly Unavailable: A Planning Consideration for Practitioners

*By Patrick Simasko, Esq., Simasko Law, Mt. Clemens, Michigan  
Elder Law Professor, Michigan State University College of Law*



Attorneys routinely advise clients about incapacity planning, guardianships, and powers of attorney. One related issue receives far less attention: what happens to a client's minor children if the parent is suddenly unavailable due to arrest, detention, hospitalization, or incarceration.

When no legally authorized adult is designated to act for the child, the result can be immediate involvement by schools, medical providers, or child protective services. This outcome does not depend on the merits of a criminal matter or the availability of willing relatives. It depends on whether legal authority has been documented in advance.

For many practitioners, this is a practical planning issue that can be addressed with minimal effort.

## **The Immediate Problem**

If a parent is taken into custody without warning, communication may be limited. Children may be at school or in daycare. Without written authorization, schools cannot release a child to a relative or family friend. Medical providers cannot accept treatment decisions from an unauthorized adult.

When no legally empowered caregiver is available, the matter may be referred to child protective services solely because no adult has authority to act. The issue is not neglect. It is the absence of documentation.

## **Temporary Delegation of Parental Authority**

Michigan law permits a parent to delegate certain parental powers to another adult for a limited period. Often referred to as a parental power of attorney or delegation of parental authority, this document allows a trusted individual to provide temporary care.

Depending on its scope, a properly drafted delegation may authorize the caregiver to:

- Provide day-to-day supervision
- Enroll the child in school and communicate with educators
- Consent to medical and dental care
- Access educational and medical records
- Arrange housing and transportation

This delegation does not terminate parental rights or create permanent custody. It is a temporary planning tool designed to ensure continuity of care.

## **A Cross-Practice Consideration**

This issue arises in multiple practice areas, including criminal defense, immigration, family law, estate planning, and general civil practice. Any client who faces a realistic possibility of temporary unavailability may benefit from discussing delegation planning.

The analysis is straightforward: if the client could be unavailable tomorrow, who would have legal authority to care for the children?

Addressing that question in advance can prevent unnecessary state involvement and provide stability for the child.

## **Execution and Practical Guidance**

Because schools and medical providers rely on documentation under time pressure, execution matters. Practitioners should ensure that:

- The delegation is in writing
- The scope of authority is clearly defined
- The document complies with Michigan formalities
- Copies are provided to the designated caregiver and relevant institutions

Clients should also understand that these delegations are time-limited and revocable.

Planning for temporary parental absence is consistent with the broader duty attorneys already fulfill when advising clients on incapacity and estate matters. A short conversation and a properly executed document can significantly reduce disruption for a child during an already difficult time.

Practitioners interested in reviewing a sample delegation form may email me at [Pat@Simaskolaw.com](mailto:Pat@Simaskolaw.com).



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# Bridging the Gap

MCBA/MCPBA Event

The Macomb County Bar Association enjoyed a strong turnout at O'Halloran's for *Bridging the Gap*, our joint program with the Macomb County Probate Bar Association. The evening brought together colleagues from across the county for conversation, connection, and a timely educational discussion in a relaxed setting. The program focused on the intersection of probate and criminal matters, highlighting practical issues that regularly arise in court and in practice.



Thank you to the Macomb County Probate Bar Association for collaborating with us on this event. We also extend our appreciation to everyone who attended, and especially to our panelists and moderators for leading a thoughtful, candid, and engaging discussion.





## O'Halloran's January 29, 2026



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- \$1,400,000** Premises liability settlement
- \$1,750,000** Macomb County premises liability jury verdict (2025)
- \$1,000,000** Motorcycle accident settlement
- \$ 465,000** Oakland County auto crash jury verdict (2025)

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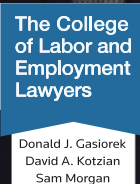


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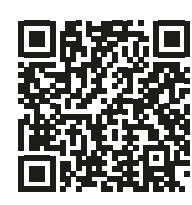
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