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May 2022



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Does The Advance of Work from Home Spell The End of Spring Break or the Start of Hawaiian Shirt Optional Motion Call?

*By Francesco Briguglio,
President of Macomb Bar Association*

I took one of my first big vacations in years after the COVID 19 pandemic. Like many people, I was tied up close to home and limited travel as the pandemic evolved into an endemic disease. I packed my best Hawaiian shirts, one necktie, my laptop, and headed down to Fort Myers for some rest and relaxation . . . to a certain degree.

The advent of ZOOM technology has drastically changed where the office is. For many of us, our office is wherever we have a laptop and a good all in one printer/scanner. Even if we are away from our laptops, we have that computer in our front pocket that keeps us in constant contact with our client and practice. It’s a double-edged sword to say the least.

Some attorneys can leverage technology to their benefit. For instance, member Bill Barnwell can maintain a criminal practice locally here in Warren, Michigan, and Southwest Florida. Other local bar members have been able to work from their vacation homes or get an extended rental in a new and exciting location. Many courts across the county still utilize ZOOM, Microsoft Teams, or Google Meet to facilitate remote access to the courts.

In my own practice area, ZOOM has allowed me to be more efficient with my time and take cases in outlying counties that I wouldn’t have considered taking before. Most attorneys can agree that ZOOMING into multiple courts a day is preferable to spending three hours “warming a bench” in court.

During my spring break, I found that being super connected with technology can also be a curse. Despite letting most people know that I would be out of town on a seldomly exercised vacation, I found

myself checking that “computer.” I even attended several court matters donning a Hawaiian shirt and a necktie which all my judges permitted my temporary lack of decorum knowing that I was spending a few days on a beach.

Overall, technology can be a blessing. It saves time and money, but it is also difficult to unplug on the rare occasions we are able to enjoy a much-deserved and long-overdue vacation. Finding a balance between the benefits of our technology and the pitfalls is something we need to carefully look at in our own lives moving forward.

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Circuit Court Corner

By Macomb County Circuit Court Administration

The Courts are pleased to welcome two new members to the Probate and Circuit Court Bench. Governor Gretchen Whitmer appointed Attorney Sara A. Schimke to replace retired Judge Kathryn A. George's term on the Macomb County Probate Bench (effective April 11, 2022). Governor Whitmer subsequently appointed 37th Judicial District Court Judge Matthew P. Sabaugh to replace retired Judge Carl Marlinga on the 16th Judicial Circuit Court Bench (effective April 13, 2022).

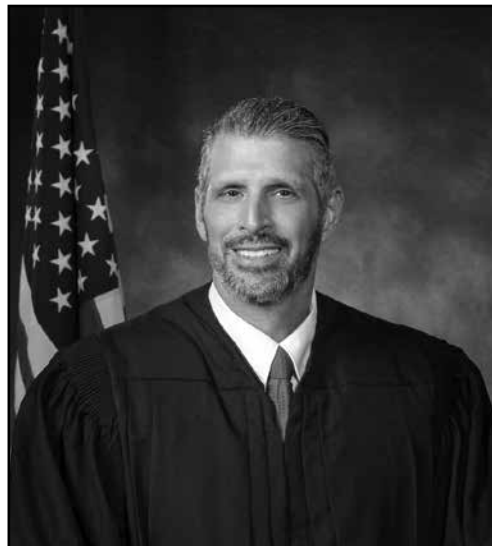


Prior to her appointment, Judge Schimke was in private practice with Chalgian & Tripp, PLLC, where she focused on probate law, estate planning, and advocacy. Judge Schimke previously worked for the firms of Jaffe, Raitt, Heuer & Weiss, P.C. and Barron, Rosenberg, Mayoras & Mayoras, P.C., and was an adjunct professor for the estate planning clinic at Cooley Law School. Judge Schimke received a Bachelor of Science from Northern Michigan University, and a Juris Doctor from Thomas M. Cooley Law School. She has been active in the community as a Board Member of the Michigan Parkinson's Foundation, as a member of the Institute for Continuing Legal Education's Elder Law Advisory Planning Committee, and as the past chair of the State Bar Elder Law & Disability Rights Section. Judge Schimke is a Macomb County resident.

Judge Sabaugh was appointed to the 37th Judicial District Court Bench by Governor Granholm in 2008. Prior to being appointed in 2008, Judge Sabaugh worked for eight years as an Assistant Prosecuting Attorney for Macomb County. While serving as Assistant Prosecutor, he prosecuted hundreds of criminal cases in Macomb

County District and Circuit Courts and successfully tried numerous felony cases. Judge Sabaugh received a Bachelor of Science from Michigan State University in 1993, and a Juris Doctor from Detroit College of Law in 1999, where he attended night classes while working full-time as legislative assistant for the 28th Michigan House District-representing the cities of Warren and Center Line. During his time on 37th District Court, Judge Sabaugh started the Macomb County Eviction Diversion Program and presided over the Warren-Center Line Treatment Court. The Treatment Court includes the Drug Court and Sobriety Court programs. He also produced the award-winning Warren TV program "Judges Corner," and started a "Court in School" Program in 2008, where real court cases are seen by middle school and high school students. Judge Sabaugh is a member of the Executive Committee of the Traffic Safety Association of Macomb

County, the State Bar of Michigan, Macomb County Bar Association, Michigan District Judges Association, Italian-American Bar Association, Warren Kiwanis Club, Detroit Branch NAACP, Macomb Homeless Coalition, and the Detroit Zoological Society.



Chief Judge James M. Biernat, Jr., stated "I am so pleased to welcome Judge Schimke to the Probate Court Bench and Judge Sabaugh to the Circuit Court Bench. Judge Schimke has extensive experience in Probate Law, and I expect she will step into her new role with ease.

... And Judge Sabaugh is a longtime judge with extensive experience in civil and criminal law, who we are happy to welcome to the Circuit Court Bench. I believe that both of these appointments will be a great benefit to the Citizens of Macomb County, and I want to extend my warmest welcome to both of our newest judges."

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Macombbar.org, or at the event. If you vote more than once, only your FIRST vote will count.**



Association & Foundation FAQ's

*By Rick R. Troy, Executive Director of the
Macomb Bar Association and Macomb County Bar Foundation*

Macomb Bar Members and Foundation Trustees,

With all sincerity, I enjoy interacting with you when you call, email, text, or visit the office. It is the connectivity that keeps me motivated to help you be the best that you can be for your client and family. Someone, call them a “regular” in the office, asked me the other day if I ever tire of answering the same question over and over. I never really thought about it, but now that I have, the answer is, no, I don’t get tired of it. As a matter of fact, when I do a look-back I find that, while I answer the question with the same set of facts, I deliver them in different ways so that you get the most out of it. Sometimes it’s a computer demonstration, other times I send a link, and sometimes I talk people through problem solving over the phone

Many of the questions I field are related to the bar’s communication vehicles. The *Bar Briefs* magazine, for example, is mailed to you at the address you have on your membership profile. Moving your office means changing your address with the State Bar and the Macomb Bar. We can do it for you or you can log in and edit your profile.

So, “how do I log in,” or “what is my password,” are the most popular questions we receive.

Keep in mind that we do not have access to your password, but you can easily change it. Go to www.MacombBar.org and click on MEMBER CENTER in the far-right top corner. Click on FORGOT USERNAME or PASSWORD and follow the directions. If that doesn’t work, then you have never logged. If that is the case click on “Don’t have an account?” – CREATE ONE, and follow the instructions. You will then enter the INFO HUB where you can edit your contact information, subscribe to committees and lists, register for events. Check on your CLE certifications, download the most recent Macomb County Court Directory and other articles of interest. We recently posted “How to Read a Michigan

Driving Record” in the Hub for you. Which reminds me, if you have something that you think the membership might find valuable, please email it to me and I can post it for all members to access.

Some other questions that regularly come up that can be answered while visiting the website include:

“Can I read older issues of *Bar Briefs*?” Yes.

“Is there a history of bar award recipients?” Yes.

“What about the Foundation’s scholarship recipients, is there a list?” Yes.

“What committees or groups are there in the Association?” There is a drop-down menu on the home page of INTEREST GROUPS - Committees, Sections and Task Forces.

“Where do I find Member Discounts?” Click on the EXPLORE MEMBERSHIP button.

“I need to register for an MIDC compliant CLE, what is the registration code?” We post all upcoming and video replay CLE titles, registration codes and instructions on the website. The link to the page is right on the home page.

“Where do I send my CLE certificates?” [MacombCLE @ MacombBar.org](mailto:MacombCLE@MacombBar.org).

“Are there *Legally Speaking* shows on the website?” Yes.

What is *Legally Speaking* you ask? *Legally Speaking* is a television show that the “bar” has produced for over twenty years. Yes, it has even won some Emmy awards! A few years ago, the show was moved to the Foundation as it met the organization’s Vision and Mission of supporting and providing law related and civic education. So, yes, there are shows that can be viewed right on your

computer. Actually, just go to the home page and scroll down to see some recent shows with host, Ashley Lowe, Executive Director of Lakeshore Legal Aid. Or click on the About the Foundation menu button and then *Legally Speaking* on Demand.

“Why do I get emails every week from the bar?” Those are E-Briefs. It is an email communication that is designed to “brief” you on what is going on at the bar and what products and services that are available for you. “Why is it so long?” Well, we have a lot to offer you and we don’t want you to miss out on the opportunities.

“What does it cost to advertise in *Bar Briefs*?” We have all of the ad information available on MacombBar.org. Click on the Product and Services menu and click on Advertising for all of the pricing, sizes and options.

“How do I get on the Board of Directors?” Each year the association solicits “Letters of Interest” to be nominated as a candidate for Secretary, Treasurer or Director. The nominating committee reviews the letters of interest when considering candidates to be on the ballot. If not selected, or if the letter of interest deadline is missed, a member in good standing can appear on the ballot by petition. A petition states the person’s name and the position sought and requires fifteen member signatures. When vacancies occur, the Board follows an appointment process outlined in the ByLaws. The Bylaws are available on your Info Hub under Resources.

“Does it cost extra to be a committee member?” No. Practice area committees are free to members.

“I want to start collecting fees using credit cards, what does the bar have to offer me?” The Macomb Bar was the first bar association in the country to offer Law Pay as a credit card processing system for its members. Simply the best. Details can be found in Member Benefits or click on any LawPay ad.

“Is the Zoom Room still available at the bar office?” Yes.

Is there coffee at the bar office? Yes, and snacks, a conference room, a computer station, a television and a copy station all for members.

“Can I submit articles for publication in *Bar Briefs*?” Yes. Email articles to Dawn at DFraylick@MacombBar.org.

Let me know if you have other questions, RTroy@MacombBar.org.

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Getting to Know Our Newest Probate Judge: Welcome to the Honorable Sara A. Schimke

By Chase Robl, Femminineo Attorneys PLLC

On March 17, 2022, Sara A. Schimke was appointed by Governor Whitmer to succeed Judge Kathryn George and join Judge Sandra Harrison on the Macomb County Probate Bench. Judge Schimke took the bench on April 11, 2022, and is getting

well as a board member of the Michigan Parkinson's Foundation. I have had the good fortune of knowing Judge Schimke for almost twenty years and witnessed the traits that will make her successful on the bench: compassion, poise, and intelligence.



right to work. She brings a wealth of experience to the bench having worked for well-regarded firms Jaffe, Raitt, Heuer, and Weiss P.C., Chalgian and Tripp, PLLC, and BRMM. In addition to her work experience, she is a past chair of the State Bar of Michigan Elder Law and Disability Rights Section as

Who is Sara Schimke?

I am a lifelong resident of the area, splitting time as a child with my father in Chesterfield and my mother in St. Clair. I graduated high school in 2000 from St. Clair High School. It was during high school, after

participating in a mock trial competition for a business law class, that I decided I wanted to be an attorney. Following graduation, I attended Northern Michigan University where I absolutely fell in love with the U.P. I graduated from Northern in 2003 with a Bachelor of Science majoring in Political Science. I then attended Thomas M. Cooley Law School before being sworn in to practice law in 2008. I was fortunate enough to clerk for the Hon. Michael Warren in Oakland County Circuit Court during law school, which was my first glimpse into courtroom practice and decorum. During that time, I met my husband, Terry, and we married on a Florida beach in 2010. We are parents to two wonderful, spirited children, Landon (9) and Amelia (7), and I have an amazing stepdaughter, Jenna.

What did your practice consist of before joining the bench?

My practice has always been exclusively in estate planning and probate, focusing on the many nuances within those practice areas. Specifically, I spent most of my time doing estate planning, probate work, benefits advocacy, including long-term care planning, special needs planning, elder law, Medicaid planning, Veteran's benefits, governmental benefit appeals, and special needs trust establishment and administration, along with probate litigation matters. I was also an adjunct professor at Western Michigan University's Thomas M. Cooley Law School and Oakland



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University. Finally, I often presented for ICLE, SBM Elder Law and Disability Rights Section, and any other organization willing to hear me get excited over the latest legal developments and planning techniques.

What drew you to probate work?

I have always been a planner, and early in my career my grandfather was diagnosed with dementia. The difficulties and need for protections as his disease progressed opened my eyes to the concerns and challenges that families experience in such a situation. It was so difficult for my own family. Not only were we dealing with the emotional impact of my grandfather's illness, but we were navigating the complex world of long-term care benefits and the legal challenges that came with it. I knew this is how I could best use my law degree to help people, so I pursued a career in probate and never looked back. I've been so lucky over the years to have worked with so many amazing families. I've been hugged more times than I can count and passed many tissues to

wipe tears as I promised I would help. I have had an extremely rewarding career, and I hope to continue that from the bench.

How are the first couple days on the bench going, and what adjustments have you noticed in the change from private practice?

The first few days have been a whirlwind. Thankfully, I am experienced in the law and court procedures, so I was able to jump right onto the bench and get to work. It is no secret that there is a backlog of cases in Macomb County Probate Court, but I have been amazed by the court staff's optimism and hard work. Everyone has been incredibly welcoming, positive, and dedicated to making this a smooth transition. Judge Harrison especially has gone above and beyond with her offers of assistance, sharing little tips that she learned on her own, and overall kindness. I am very fortunate to have her as a colleague and fellow jurist.

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Christopher Rickard,
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Mihelich & Kavanaugh, is pleased to announce Christopher C. Rickard has been named as it's newest Partner. Since joining the firm in 2011, Mr. Rickard has established himself as a leader in Divorce and Family Law. With his extensive knowledge and commitment to his clients, he has had significant impact on our clients and our firm.

It is our pleasure to welcome and congratulate Chris! We look forward to his expanded influence in the firm as he continues to provide excellent and personalized services to our clients.

Is there anything you have noticed that would help attorneys that appear before you?

It is hard to say in such a short period of time, but you can certainly tell which attorneys are prepared to advocate on behalf of their client. It is also important that attorneys seek creative resolutions. I want to create an environment where the judicial process can be as collaborative as possible. Obviously, if a decision needs to be made, I will make one in accordance with the law, but there are many situations that can be resolved with reasonableness to the parties' mutual benefit.

How will your prior experience in private practice impact you as a judge?

Probate court is where people turn to in their most vulnerable states. Decisions are made in probate court that affect their everyday lives as we make decisions regarding the elderly, the vulnerable, and the incapacitated. We preside over cases of children who have lost their parents, adults suffering from mental illness, and those dealing with the death of a loved one. These are not simple or easy cases to manage – the law is complex and personal in nature. Those appearing before me are just like the clients I spent years standing next to and advocating

for in court. I deeply understand how important it is for people to feel heard and understand the outcome of their matter; much of my success as a practitioner was in my ability to communicate with clients, and I intend to bring that same skill to the bench and those appearing before me.

And for the attorneys, I understand what it is like practicing probate! I had a very busy practice for

many years and juggled calendars, clients, hearings, meetings, and office responsibilities. I am reasonable by nature and intend to remain the same.

Zoom or in person?

There is a place for both in the probate world. I would like to create a cohesive court and will work with Judge Harrison to do the same for everyone appearing in Macomb County.

What do you do in your free time?

We are an active family. Among our favorite activities are boating, snow skiing, golfing, and schlepping around to whatever extracurricular

activities the kids are involved in at any given time. I'm currently spending endless hours explaining to my daughter why we aren't getting a puppy right now and serving as a stand-in sensei for my son while he practices for his upcoming karate evaluation.





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40 N. Main St., Suite 435

Mt. Clemens, MI 48043

MacombBar.org



GOLF

MACOMB BAR OUTING

JUNE 20, 2022 1PM SHOTGUN START

GREYSTONE GOLF CLUB
67500 MOUND RD.
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**EARLY BIRD
SPECIAL**

\$135 PER PERSON
IF REGISTERED
& PAID
MAY 15, 2022

**11:45PM LUNCH
1:00PM SHOTGUN
START
6:00PM DINNER**



**\$150 PER PERSON
LONGEST DRIVE
CLOSEST TO PIN**

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