

# Bar Briefs

November 2020



## MACOMB BAR ASSOCIATION TOPGOLF TOURNAMENT



### DECEMBER 2, 2020

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# Bar Briefs



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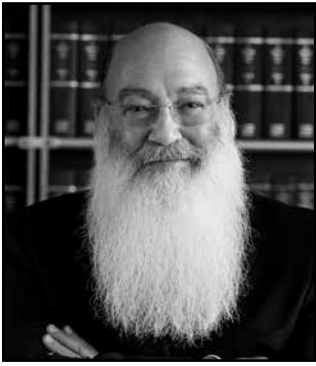
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# Note From Macomb Bar Association President Joseph Golden

It took me eighty years to fully comprehend how much of me is what my mother taught me and my father was.

Thank you all for your kind thoughts and well wishes.

Stay safe.  
Joe

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## Macomb County Bar Foundation Scholarships NOW BEING ACCEPTED

### **Kimberly M. Cahill Memorial Scholarship**

The Kimberly M. Cahill Leadership Memorial Scholarship is to be awarded to a second or third year law student who is currently enrolled in law classes at any accredited Michigan law school. The recipient should demonstrate outstanding qualities of leadership and the ability to inspire and effectively lead others to a defined objective. The recipient must also demonstrate a need for financial assistance and an academic standing (3.0 GPA or above). This \$3,000 scholarship originates from the generous contributions to the MCBF's Kimberly M. Cahill Memorial Fund and honors the memory of Kimberly M. Cahill who passed away January 21, 2008. Applicants for the Macomb County Bar Foundation Kimberly M. Cahill Memorial Scholarship must be enrolled as a second or third year law student who is currently enrolled in law classes at any accredited Michigan law school. The recipient should demonstrate outstanding qualities of leadership and the ability to inspire and effectively lead others to a defined objective. The recipient must also demonstrate a need for financial assistance and an academic standing (3.0 GPA or above).



*2019 Scholarship Recipients - Anthony Viviani of ATA National Title Group, LLC, Marilyn Yousif, Philip F. Greco Memorial Scholarship winner, Foundation Director Angela Medley, Foundation Trustee Law School Scholarship winner Joseph Zannetti, featured guest Ashley Lowe, Lakeshore Legal Aid, Foundation President Dana M. Warnez, and Kimberly M. Cahill Memorial Scholarship winner Daria Solomon.*

## **Phillip Greco Memorial Scholarship**

The Macomb County Bar Foundation Philip F. Greco Memorial Scholarship is awarded to a second or third year law student who demonstrates a commitment to serve or contribute to the Macomb County legal community, a need for financial assistance, good academic standing (2.5 GPA or better). Special consideration is given to non-traditional law students. This \$3000 scholarship originates from the contributions of Emil E. Cardamone and continues with the generous contributions of Attorneys Title Agency, Greco Title Division and honors the memory of the late Philip F. Greco, Esq.

## **Trustee Law School Scholarship**

The Macomb County Bar Foundation Trustees Law School Scholarship is awarded to a second or third year law student who demonstrates a commitment to serve or contribute to the Macomb County legal community, a need for financial assistance, and high scholas- tic achievement. The \$3,000 scholarship originates from the generous contributions of the Foundation’s Trustees. Applicants for the Macomb County Bar Foundation Trustees Law School Scholarship must be enrolled as a law degree candidate at one of the following Michigan Law Schools:  
 Michigan State University • Western Michigan University Cooley Law School University of Michigan University of Detroit Mercy • Wayne State University

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**The application for any/all scholarships must be completed by all students applying for scholarships awarded by the Macomb County Bar Foundation. The completed application and required supporting documents must be received by Tuesday, March 17, 2021. Application is available on [Macombbar.org](http://Macombbar.org).**



# What a Long Strange Trip It's Been - and It Is Still Not Over!

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

Macomb Bar Members,

Unless you were Bill Gates or Steven Berlin Johnson, author of, "The Ghost Map," you probably didn't see this pandemic coming. Our lives have changed, and yet we continue on, helping each other be the best lawyer that you can possibly be.

Bar associations nationwide continue to assist their members engage in continual learning, development of personal networks, time and money saving tips and connections, while also helping the public traverse the new legal landscape. We are doing it in different ways, but we are fulfilling our mission.

Every other week we host a virtual Macomb Bar Membership meeting. Each meeting features a special guest that provides insight into legal, political and social issues. We've spanned the local judiciary including Chief Judge James Biernat, Jr., Judge Carl Marlinga, Judge Tracey Yokich, Judge Mark Switalski, Judge Matthew Sabaugh, Judge Mike Chupa and many more. Members also have had the opportunity to learn from Macomb Prosecutor, Jean Cloud and County Executive, Mark Hackel. We look forward to continuing these events and to have your participation. (If you have someone in mind to be a special guest,

contact me)

Our Family Law practitioners have and continue to connect virtually every other week and here too we have been fortunate to have special guests from the judiciary as well as ancillary businesses that have helped members navigate the practice in these ever-changing times.

Dane Freers, Criminal Law Chair and Board member



writes:

"The Criminal Law Committee has monthly think tanks the first business Monday of every month at noon. We discuss our cases and issues and brainstorm together. It's great to bounce ideas off each other! It's really an exciting time in criminal law. With the MIDC working hard to improve indigent defense and Macomb County's new public defender office it's a great time to get involved and stay informed. The MCBA's partnership with CDAM provides fantastic, free training, and the public defender office will be looking for more attorneys



soon. Please contact me anytime with any questions!”

**IMPORTANT NOTE** for assigned counsel. The MIDC requires 12 hours of accredited CLE each calendar year. If you have not yet achieved your 12 hours, go to MacombBar.org, scroll down about half way on the home page. You will see six boxes. The lower right-hand box is titled CRIMINAL WEBINARS. Click on it for all seminar information and registration codes. Use these codes when you register on CDAMonline.org and there is no cost to you!

On the event side of things, we have two excellent offerings for you.

### **VIRTUAL COOKING CLASS:**

By the time you read this it will be really close to the November 11 Virtual Cooking class with Chef Angelo of Vince & Joes. There still may be time for you to register, pick up your supplies (and wine) and join in. I am curious to see which of our members are the future Bobby Flay, Guy Fieri, or Rachel Ray!

### **TOPGOLF TOURNAMENT:**

Wednesday, December 2. 6pm to 9pm. Top Golf Auburn Hills.

COVID cancelled our June golf outing so we are bringing it back in a different way. We have room for 100 golfers and golf bays are available in groups of 4 or



6 participants. The event is a TopContender Tournament where every participant can keep track of progress in comparison to other teams on the giant leadership board. The winning team will receive a team boat cruise on Lake St. Clair next summer compliments of Freedom Boat Club. We have a golf pro ambassador who will run the event and a competition bay where you can wager on game favorites like closest to the pin, longest drive and more! A giant Fajita Fiesta will be served too! Join in the fun and thank our sponsors!

Our Young Lawyers Section has a vacancy on their board of directors. If any young lawyer is interested in beginning leadership service email a letter of interest to YLS Chair Laura Polizzi at Laura@polizzimedley.com. Deadline for letters of interest is December 1, 2020. Young Lawyers are defined as 35 years of age or younger or practicing law 5 years or less.



**YOUNG LAWYERS SECTION**

Historically the Macomb County Young Lawyers have provided members with superb networking events, community and high school outreach programs. Past young lawyer board members include, Justice David Viviano, Hon. Jacob Femminineo, Hon. Carrie Fuca, Dana M. Warnez, Mark Pellicchia, and Dawn Prokopec.

So, if you are a young lawyer, now is your chance to maybe get on the board and lead.

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# Circuit Court Corner

*By Macomb County Circuit Court Administration*

## Case Evaluations

In response to COVID-19, we have implemented some changes to the Case Evaluation process.

In late July, we were able to obtain Zoom licenses to hold Case Evaluation hearings. There is less time required of attorneys as they no longer need to travel to the court building, find parking, etc. And it also alleviates the crowded waiting area. Without physical space constraints, we have also been able to hold a third panel on many days to help address the many adjournments during COVID and allow cases to continue moving forward. The case evaluation notices have been updated with Zoom codes that correspond with room assignments.

We have also updated our notice to change the way payments are made for evaluations. All payments are now to be made directly to each individual evaluator. Their addresses have been added to the notices for



convenience. This new process not only removes the court from handling checks not made payable to us, it also allows for less people touching them during COVID, and drastically shortens the time for the evaluators to receive their payment for services.

If you have questions about Case Evaluation, please contact the Case Evaluation Department directly at [case.evaluation@macombgov.org](mailto:case.evaluation@macombgov.org).



## 8 Lawyers Listed in Michigan Super Lawyers



Super Lawyers, a Thomson Reuters business, is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. From left to right: Donald Gasiorek, 15 years selected; Paul Hines, 9 years; Sam Morgan, 15 years; Patrick McCauley, 14 years; Greg Jones, 5 years, Rising Star Designee; David Kotzian, 15 years, Top 100 Designee; David Greco, 9 years; Angela Mannarino, 5 years, Rising Star Designee.



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# Macomb Bar Association 2020 Awards



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## **Kimberly M. Cahill Civility Award Recipient Stuart Fraser IV, Fraser & Souweidane PC**

The Macomb Bar Association's 2020 Kimberly M. Cahill Civility Award recipient is Stuart Fraser IV of Fraser & Souweidane PC. The Kimberly M. Cahill Civility Award is given to the member who has brought respect to himself or herself and the legal profession through both dialogue and conduct by cultivating considerate, professional conduct with opposing counsel, especially in the presence of clients; encouraging clients to adopt meritorious positions and avoiding inflammatory and retaliatory tactics and behavior; welcoming and encouraging attorneys of all races, ethnicity and genders; assisting and mentoring new and inexperienced attorneys; avoiding disparaging comment and criticism of the bench and bar, and commending the profession's members when appropriate. Mr. Fraser was nominated for this award by Macomb Bar Past President Karent Trickey Pappas and Mr. James L. Spagnuolo Jr. of the Macomb Law Group.

## **Pro Bono Service Award Recipient Mary Beth Leija, Mary Beth Leija Attorney At Law**

The 2020 Pro Bono Service Award recipient is Mary Beth Leija. The Macomb Bar Pro Bono Service Award recognizes and honors an attorney that assists with the



unmet legal needs of low-income and senior residents of Macomb County on a pro bono basis. Mary Beth Leija has been practicing law since 1978 – and has been a part time magistrate in the St. Clair Shores 40th District Court since 1992. Ms. Leija accepted

her first pro bono Lakeshore Legal Aid case in 2016. This was a complicated family law domestic violence case that also involved establishing paternity for one of the minor children. Ms. Leija went on to graciously accept other Lakeshore referrals for direct representation of domestic violence survivors in all arenas of family law. In fact, she accepted one of these cases at the eleventh hour when the first volunteer attorney withdrew from the case. Ms. Leija also volunteered for some of our pro bono clinics, including a Driver License Restoration clinic in March of 2019 for the Macomb County Warming Center. To date, Ms. Leija provided between 40-50 hours of volunteer work for Lakeshore Legal Aid. Ms. Leija was nominated by Lakeshore Legal Aid.

## Special Service Award Recipient Stephen Steinhardt, Law Offices of Stephen Steinhardt

The 2020 Special Service Award recipient is Stephen Steinhardt. The Special Service Award is given to those



individuals who initiated and/or completed special projects for the MCBA during the year. Mr. Steinhardt organized a Christmas Eve Dinner to those in need provided by local attorneys. Stephen was nominated by Dana M. Warnez. Congratulations Stephen!

## Distinguished Public Service Award Recipient Hon. Denis LeDuc, 42<sup>nd</sup> District Court

The 2020 Distinguished Public Service Award recipient is Hon. Denis LeDuc. Judge Denis R. LeDuc received his Juris Doctorate from the University of Michigan Law School. Judge LeDuc also served as a Staff Sergeant in the United States Air Force Medical Corps. Prior to his election



to the bench in 2003 Judge LeDuc held a private practice law practice for 30 years. he served as City Commissioner and then Mayor Pro Tem for the City of Mount Clemens. Judge LeDuc also served as a Commissioner for Macomb County and Magistrate to the 42-1 District Court before his ascension to the bench.

During his long career he has made significant contributions not only as a distinguished member of the armed forces but also as a private practitioner serving the residents of Macomb County for decades. As a jurist, Judge LeDuc has made significant contributions to the local Romeo community, including most recently, spearheading a pilot program to educate local Romeo students about careers in the law. Judge LeDuc was nominated by Francesco Briguglio.

## Extraordinary Service Award Recipient Hon. Tracey Yokich, 16<sup>th</sup> Circuit Court

The 2020 Extraordinary Service Award recipient is Honorable Tracey Yokich of the 16th Circuit Court. The Extraordinary Service Award is awarded to one of the most involved member during the year. Judge Yokich has always been a strong supporter of the Macomb Bar. This year she went above and beyond with her consistent involvement

in our Membership meetings that have been instrumental in keeping the membership informed of developments with the Circuit Court, Family law matters and so much more. Judge Yokich was nominated for this award by Lori Smith.





# MACOMB BAR FOUNDATION BOOK CLUB

**Sunday, December 6, 2020 • 6:00pm**

Special Guest: **Judge Carl Marlinga**

Book: "John Adams" By David McCullough

**Zoom Meeting:**

Meeting ID: 827 1392

Passcode: 617055

**Sunday, January 17, 2021**

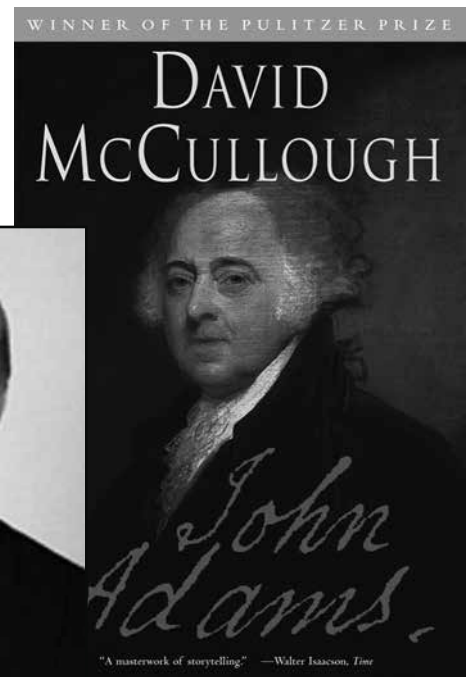
**6:00pm**

Special Guest:

**Judge Michael Warren**

Book: "America's Survival Guide; How to Stop America's Impending Suicide by Reclaiming Our First Principles and History" by Judge Michael Warren

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# Practicing Law in the Era of Zoom

*By Christopher Metry, Metry & Metry PLLC and Young Lawyers Section Treasurer*

When the Pandemic hit our country several months ago, the court system as a whole did not know what to do. We were left with endless adjournments and cases being postponed for months. Finally after several months of vacillating many courts started using video technologies such as Zoom to conduct video court sessions. Now, we are several months into Zoom court, and the possibility of going back to the way we used to do things seems less likely.

Coming from a practice heavily focused on criminal law, Zoom is a much different way to practice law than I was used to. I was used to travelling to many different courts a day and talking to both my clients and the prosecutors in the courthouse. It was much more of a hands on approach to the practice of law. Now so much of my work has to be done ahead of time while talking to the prosecutor via phone or email and relaying information to the clients. This usually can take many days, as many times we have to go back and forth before a plan can be worked out. While this new digital approach is a bit tedious at times, it does allow me to represent many clients in different

courts on the same day. It is very easy to zoom two to three courts at once. Also since many out of area courts are using Zoom I can appear on cases in areas I would normally not drive to.

A few tips I have for Zoom court is always try and talk to your client at least a day or two before the court date. This way you can relay whatever plea offer you have to them before court and it will make the entire process to proceed smoothly. Also I would recommend in regards to in custody clients you discuss the process at the jail prior to your court date. It is difficult to have long conversations with in custody clients unless you are able to visit them prior to the court date, to prepare them.

While I do think Zoom court has changed the dynamic of client interactions it has also made appearing in court for minor matters much easier. No longer will one have to go to court to resolve one traffic ticket. In my opinion Zoom is here to stay and it brings both benefits and challenges.

## Young Lawyers Section Board of Directors

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Director	Vacant		

# Letters of Interest for Appointment

## Young Lawyers Section Board of Directors Appointment

The Young Lawyers Section of the Macomb Bar Association has one vacancy on its Board of Directors. In accordance with the bylaws, the vacancy will be filled by appointment. YLS members interested in serving, please submit a letter of interest to the Macomb Bar Office by the close of business  
December 1, 2020.

Email: Laura Polizzi at [laura@polizzimedley.com](mailto:laura@polizzimedley.com)

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## TOPGOLF TOURNAMENT

**WEDNESDAY,  
DECEMBER 2, 2020  
6PM-9PM**

### TOPGOLF AUBURN HILLS

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Six Players \$330.00 or Four players \$220.00 Tournament winners receive a cruise on Lake St. Clair next summer compliments of FREEDOM BOAT CLUB

**Early Bird Special:** Register and pay in full by Nov. 15 and receive a free bucket of domestic beers.



Register at [Macombbar.org](http://Macombbar.org) or by calling (586) 321-4565. Online payment link will be provided during registration or mail a check to Macomb Bar Association • 40 N. Main St Mt. Clemens, MI 48043. Questions please call Rick at (586) 321-4565.





**Macomb County Bar Association**

40 N. Main St., Suite 435

Mt. Clemens, MI 48043

MacombBar.org

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## **2020 CDAM/Macomb Bar Seminars Available Now**

### **Criminal Seminars for Court Appointments**

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## **Register at CDAMonline.com**

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### **2020 Skills Training via Zoom**

Evidence Boot Camp C via Zoom  
8 Skills Training CLE Hours/\$240  
November 19 & 20 • 9am-1pm  
PASSWORD: EBCNOV19

Evidence Boot Camp D via Zoom  
8 Skills Training CLE Hours/\$240  
Thursday, December 3 • 1pm-5pm  
Friday, December 4 • 9am-1pm  
PASSWORD: EBCDEC3

### **1-Hour Video Replays**

Doing Our Best Work for Clients Under Less-Than- Great  
Circumstances: Remote Prep and Practice Tips for Courtroom  
Advocacy in 2020  
Password: ADVOCACY

Roadside Drug Testing: Understanding the New Law  
Password: MACOMB10

Advanced Cell Phone Location Evidence  
Password: MACOMB12

Basic Cell Phone Forensics  
Password: MACOMB5

Basic Cell Phone Location  
Password: MACOMB4

Current Tech Challenges & Old-Fashioned Pitfalls of Modern  
Discovery  
Password: PITFALLS

You Love Your Son, Don't You Ma'am?  
Bias: Defining it, Exposing it, and Crossing on it.  
Password: FREEBIAS

### **2-Hour Video Replays**

Using Their Shield as Your Sword: Cross Examining the States'  
Expert Witness in Child Sex Cases  
Password: MACOMB8

Daubert Duo: Don't Bring A Sling Shot to a Gun Fight  
Password: MACOMB6

Driver's License Restoration: A Look Behind the Curtain  
Password: DAAD

Effective Motion Practice – Winning Your Case Before Trial  
Password: MACOMB7

Evidence Extravaganza – How to Rule in the Courtroom with  
Your Evidence Knowledge  
Password: MACOMB3

