

# BAR BRIEFS

Official Publication of the Macomb Bar Association

January 2025



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# Bar Briefs

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Macomb County Circuit Court Building  
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# New Year, New Bar – Full Steam Ahead

*By Dana Freers, President of the Macomb Bar Association*

Happy New Year Macomb County Bar Association! With a new year comes new opportunities – new challenges too. Hopefully by the time you're reading this, we have a new Executive Director. A big thank you to everyone who is helping out and keeping us moving during our search. I also have to say a big thank you to Kelly. Even though she was only with us for a short while, she worked hard to help us get back on track and helped us improve many of our systems. For that, I am eternally grateful.

This time of year, we tend to reflect on what we've accomplished during the year and of course, what we'd like to do in the coming year. I have to be honest, my time as your President is flying by. It's already half over! I hope you've all enjoyed the events we've had so far and I'm excited for what we have planned this year. The Chili Cook-Off, Bench/Bar Conference, Top Golf, Meet the New Judges and Annual Golf Outing (save the date for June 19, 2025!) promise to be fun events and I hope offer a little something for all our members. I have some additional ideas in the works too for some fun, family friendly outings. Stay tuned!

I also think that this time of year we tend to really focus on how we treat people and how we can help others. I've said before that lawyers by nature want to help people and we are a service-oriented community, but that seems to shine through even more so during the holidays. If you follow me on Facebook you already know that my absolute favorite activity this time of year is buying Christmas presents for the kids with the Fraser Goodfellows. I try to pick the families with multiple children so I can make sure they each get an equal amount and similar items so everyone is happy. It's so much fun! I know so many of you participate in similar activities and you are appreciated. As you know, the reward is so much greater than the expense. I encourage you all to get involved.



For me, after I think about what I've accomplished and what I can do for others, I count my blessings. Family and friends always top the list and this year I consider myself so lucky that I was able to take my family to Italy to reconnect with my roommate from law school. Our children got to meet and play together for the first time ever and it was so wonderful to see that and see my friend again.

Finally, I'd like to leave you all with this: the Optimist Creed, words to live by. I've been a proud member of the Roseville Optimist Club for over 7 years and we close every meeting by standing and reciting the Optimist Creed. It's always appropriate but again, especially this time of year.

## The Optimist Creed Promise Yourself

To be so strong that nothing can disturb your peace of mind.

To talk health, happiness and prosperity to every person you meet.

To make all your friends feel that there is something in them.

To look at the sunny side of everything and make your optimism come true.

To think only of the best, to work only for the best, and to expect only the best.

To be just as enthusiastic about the success of others as you are about your own.

To forget the mistakes of the past and press on to the greater achievements of the future.

To wear a cheerful countenance at all times and give every living creature you meet a smile.

To give so much time to the improvement of yourself that you have no time to criticize others.

To be too large for worry, too noble for anger, too strong for fear, and too happy to permit the presence of trouble.

We have an amazing community here within the Macomb County Bar Association and I hope you all have the best year ever!



# All Rise

## the Honorable Jennifer & Suzanne Faunce Answer Your Random Questions

Everything you wanted to know about what really goes on in court, but were afraid to ask\*

(\*for mature audiences only.)



**Q:** *What's the wildest excuse you've heard for a defendant's testing positive for drugs?*

**Jennifer:** A defendant claimed he tested positive for THC because he used CBD lotion as a topical ointment. Following the final case disposition, the attorney debunked the notion by using her client's lotion every day for a week. We tested her – not positive, or even close to it. The attorney had begged her client not to use this excuse – knew it was a loser – but the client couldn't stop himself.

**Suzanne:** A female defendant testing positive claimed her boyfriend ejaculated into her mouth while he was using. According to sworn courtroom testimony by the EMS Technician: "For that result, she would've had to swallow a gallon."

**Q:** *Any urinalysis cases stand out to you?*

**Jennifer:** I received a series of calls from an undercover officer stating that confidential informants were telling the officer that the defendant was strong-arming the informants to use their urine. I ordered a drug test on the defendant, and told the testing place that the officer wanted two observers to monitor the urine drop. The defendant tested positive. Later, at the violation hearing, the defendant disputed the positive test, pulling out his Whizzinator in open court, raising it in the air, saying, "Judge, that's impossible: I used this!"

**Suzanne:** Every story's a bad one. Last month I had a young woman come through security to report for probation. While checking her purse, a court officer we'll call 'Bill' withdrew what turned out to be a condom filled with pee, and it exploded all over him. The Glamor of Law Enforcement!

**Jennifer:** It isn't urine, but a plaintiff came in complaining of bedbug infestation. She brought a bag filled with what she alleged to be bedbugs to court and tried to hand them to me over the lectern. I took judicial notice instead and asked her to retain them personally, thanks very much.

**Q:** *What have you seen during your Zoom conferences?*

**Suzanne:** You mean, like, this week? For starters, I had a couple naked in bed, and she was visibly late-term pregnant.

**Jennifer:** A female defendant showed up to Zoom Court in bed three separate times, and fell back to sleep during the live conference each time. We could all see her.

**Suzanne:** I had a guy drinking a Budweiser tall-boy on live Zoom while he was waiting for me to take the bench — at 8:45 a.m. My court officer saw him. When I asked him about it, he 'fessed up. I gave him a weekend in jail, and, give him credit, he showed up and did it!

**Jennifer/Suzanne:** If I ask your client if he would fail a drug test today, and he takes more than three seconds to respond – tick-tick-tick – he's going to fail that test!

**Suzanne:** A defendant shows up to Zoom court three hours late, and tells me he drove all the way from Chicago this morning and got caught up in traffic. I pointed out that he was in violation of the bond order, leaving the state – and he says, "I lied, I lied: I just slept in, and I can prove it!" Like lying to the court is somehow better?

**Q:** *Top of your head, give us a typical Sherman Faunce story.*

**Jennifer/Suzanne:** New attorney, just sworn in, stops by Dad's chambers to introduce herself. He immediately appoints/ conscripts her to defend a serial retail fraud. She pleads the defendant ten minutes later, and Dad sentences the shoplifter to ninety days. She explodes into tears — the ATTORNEY! So Sherman of course changes his mind on the jail and walks her on non-reporting probation.

**Q:** *Closing remarks?*

**Jennifer/Suzanne:** Fun Facts: during calendar year 2024, 37th District performed one hundred forty weddings. The 16th Circuit accepted filings on thirty-nine adoptions. Same time period: 1189 divorces filed with children; 1489 divorces filed without children.

# Brian Wassom Joins INTA PAC Board

*Press Release from Warner Norcross + Judd LLP*



*Macomb County, Michigan, January 10, 2025* – Brian D. Wassom, a partner with the law firm Warner Norcross + Judd LLP, has been appointed to the board of directors of the International Trademark Association’s Political Action Committee for a three-year term.

Founded in 1978, INTA is an association of more than 6,500 organizations from 185 countries dedicated to supporting trademarks and related intellectual property to foster consumer trust, economic growth and innovation. INTA’s PAC is the organization’s nonpartisan political action committee that serves to amplify brand owners’ voices and perspectives in the political process by contributing to candidates for and incumbents in the U.S. Congress, based on their positions on significant IP issues.

Wassom also chairs a task force for INTA’s Enforcement Committee and leads Warner’s Content, Branding and Media Litigation practice. He has developed a particular focus on matters

of commercial identity, creative expression, First Amendment, and privacy. These matters span the legal doctrines of copyright, trademark, defamation, publicity rights, advertising, journalism and related fields.

Wassom is active in the digital media industry as a frequent speaker and writer who has published dozens of articles, essays and other contributions to publications, including *The Hollywood Reporter*, *Forbes Magazine* and *The Journal of Arts Management Law & Society*. His book, *Augmented Reality Law, Privacy and Ethics*, was published by Syngress and was the first book to tackle AR legal issues.



*Brian Wassom practices in the firm’s Macomb County office and is a member of the Macomb County Bar.*

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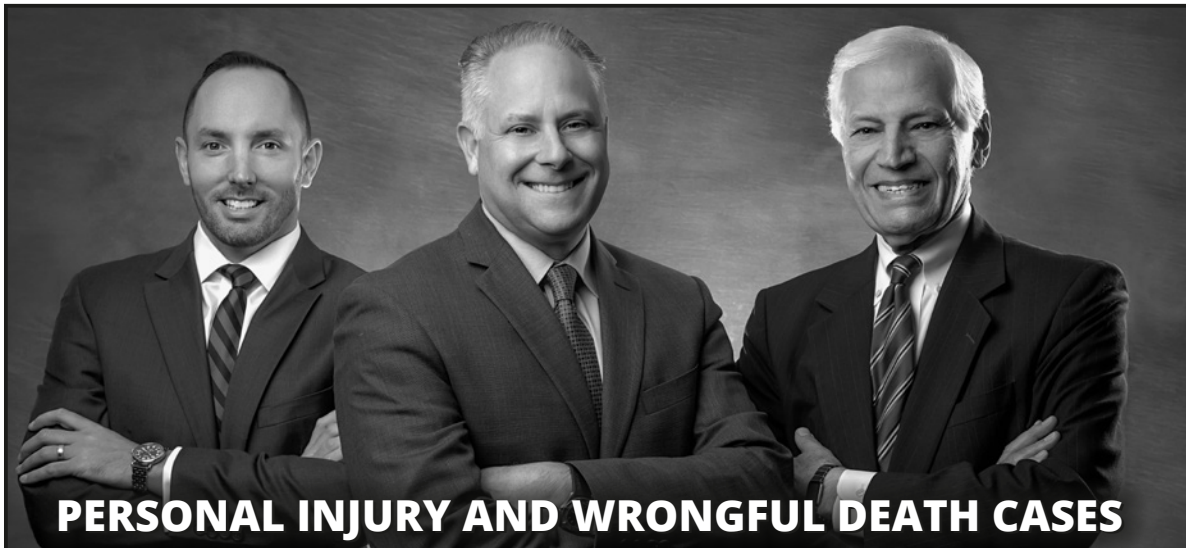
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# Meet Judge Laura Polizzi

By Jenna Bommarito Cross, Lucido & Manzella, P.C.

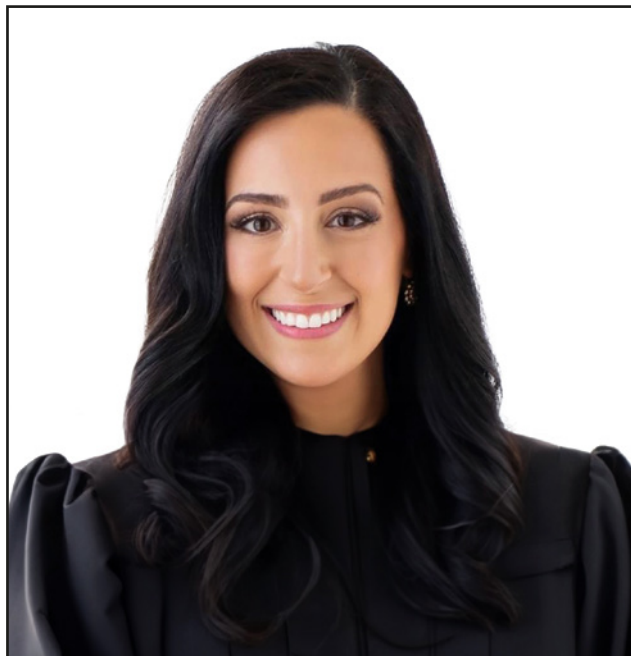


All rise! Judge Laura Polizzi is now presiding in the 52-3 District Court! The Macomb Bar extends a warm congratulations to Judge Laura Polizzi on her appointment, and subsequent election win, to the District Court located in Rochester Hills. The 52-3 District Court serves the communities of Addison Township, Auburn Hills, Lake Angelus, Oakland Township, Orion Township, Oxford Township, Oxford, Rochester, Rochester Hills, Lake Orion, and Leonard. Judge Polizzi has been on the bench since May 2024 and I had the opportunity to sit down with her and see how things are going!

When walking back to the Judge's chambers the first thing you will notice is how kind and welcoming her staff is. Judge Polizzi lovingly jokes that she "has the best Victorias in the world," since both her judicial clerk and judicial secretary are named Victoria. Judge Polizzi's office is clean and organized, with a stylish blue couch that she brought with her from private practice office. She says it reminds her of her time in private practice and makes spending time in her new office comfortable and nostalgic.

When I asked Judge Polizzi what she is most proud of during her time on the bench, she did not hesitate. She said "When I decided I wanted to become a Judge, I

knew I wanted to help people, specifically Veterans. It was my goal to start the first Veteran's Treatment Court in my district. I took the bench in May and by August, I had our first Veteran enter my Treatment



*The Honorable Judge Laura Polizzi, 52-3 District Court*

Court. I am excited for participants to enter the program, see their progress, and celebrate their graduation." Judge Polizzi explains that her brother was an Iraq war veteran. When he returned home from combat, he suffered from injuries, and ultimately was prescribed opioids. Opioid addiction eventually led him into the court system, where Judge Polizzi represented him in different District Court matters when he was a Defendant. Unfortunately, he was never able (or ordered) to get the help he needed, and he passed away in 2017 at the young age of 31. This experience, as a family member and also an attorney helping a Defendant through the court system, is what motivated Judge Polizzi to her goal of becoming a District Court judge.

Judge Polizzi's road to becoming a judge was not without hard work and unexpected turns. She applied for an appointment with the Governor's Office when a sitting Judge announced her sudden early retirement. The appointment process consisted of filling out an

application, gathering reference letters, and gaining public support of citizens, the legal community, and prominent community organizations. At least 12 other attorneys applied for this position, and interviewed with panels of executives at the Governor's Office.

Then she waited, with no idea on when or how the Governor would make her pick. Judge Polizzi recalls the day in May of 2024, when her cell phone rang and she yelled to her law partner, "the Governor is calling me!" That was the phone call to congratulate her on the appointment, and the call that ultimately set her career as a Judge in motion.

Within 12 days of that phone call, Judge Polizzi wound up her private practice, took the bench as the newest Judge in her district, and found out that she would have to run the next general election to keep her seat. That general election was 161 days away (but who was counting)!

Hard work continued to be Judge Polizzi's strongest attribute those next five months. She worked as a Judge from 8:30am-4:30pm, and ran her campaign at all hours of the night. She balanced taking care of her young family at home and navigating this new world she was suddenly launched in. She will tell you that she learned more in the last 6 months than she ever has in her career.

I know how hard Judge Polizzi worked because I was often with her after our children went to bed, listening to Taylor Swift, sharing french fries for dinner at 10pm, installing lawn signs, writing postcards, and frantically trying to complete mile-long campaign task lists until 3am. I can tell you there is no one who works harder than Judge Polizzi. That is what got her to the

finish line this past election day, when she won her race with an impressive 65% of the vote.

Although Judge Polizzi presides in Rochester Hills, she notes how the Macomb County legal community played a large role in the start of her career as an intern at the Circuit Court. She also reminisces about the attorneys and mentors who took her under their wing and helped



her build her private practice. She remembers those attorneys who gave her a chance as a young lawyer, and those same attorneys that have given their unwavering support during her appointment and campaign. She stated that "Macomb County attorneys are more than just colleagues, they look out for each other and support each other without any hesitation."

Judge Polizzi was even teased during her campaign that she is "from Macomb County," even though she actually grew up in Rochester Hills and now raises her two sons there. After spending her career handling cases in all of metro Detroit, Judge Polizzi will always defend that Macomb County is nothing to joke about, as it is a great place to work with the best colleagues.

Judge Polizzi invites you to cross Dequindre and come visit her courtroom. She expects that you and your clients will be greeted with respect and kindness. She hopes that her courtroom becomes a place you enjoy going to, and she prides herself on creating a courtroom of acceptance, respect, and fairness. The next time you find yourself in the 52-3 District Court, stop by and say "hello!"

*Jenna Bommarito Cross serves on the board of directors for the MCBA and is a trial attorney at Lucido & Manzella, P.C.*



# Creating an Intellectual Property Plan for Your Business

*By Kathryn Spray, Senior Attorney - Aloia Law, P.C.*



While Intellectual Property (IP) assets are out of sight, they should never be out of mind. IP assets are some of the most valuable assets on the balance sheets of businesses today, with recent studies estimating that they comprise as much as 90% of the current market value of the S&P500. If you haven't yet assessed your IP portfolio, the following questions will help you begin the process of creating a plan to identify and protect it.

## **What do you own?**

- Identify all logos, slogans, designs, keyword advertising, and other identifiers that are used in marketing your products and services. Be comprehensive in your analysis. Even things like colors and sounds are potentially protectable.
- Immediately assign the "TM" (for trademarks) or "SM" (for service marks) symbol, as applicable, to all identifiers.
- Consider developing the distinctiveness of any identifier that is descriptive and add branding efforts where identifiers are generic or otherwise not currently able to be registered.
- Identify literary, musical and dramatic works, choreography, pictorial, graphic, sculptural, sound, computer programs, and architectural works, all of which are accorded common law copyright protection immediately upon creation and are further protectable through federal copyright registration.
- Investigate any new or useful inventions that you have created.
- Identify pricing, marketing methods, supply sources, and technical know-how, all of which may be protectable as trade secrets.

## **How will you protect your IP assets?**

- Review current contracts and company policies to determine what confidentiality protections you have

and/or need in place with employees, vendors, customers, and others that are exposed to and interact with your IP assets on a daily basis.

- Review employment agreements, independent contractor agreements, and vendor/supplier agreements to verify that they address and protect your trade secrets and include work for hire provisions where appropriate.
- Determine whether you are insured properly.
- Search the internet for infringing content and counterfeit products.
- File applications for state and/or federal protections (trademark, copyright, or patent) where feasible.

## **Are you infringing?**

Just as important as protecting your IP portfolio is assuring that you are not infringing upon others' rights. Take the following steps to avoid conflicts:

- Search the United States Patent and Trademark Office database and the U.S. Copyright Public Records portal for live registrations that might be confused with your identifiers.
- Jump onto your favorite search engine to look for potentially confusing unregistered uses.
- Assure that any of your uses of others' materials are permissible under the fair use doctrine, licensure, or authorization from the owner of the material.

These are but a few of the steps you should consider in developing a plan to identify, protect and enforce your business IP assets. Maximizing and protecting these assets will keep your business healthy for years to come.

If you are interested in developing an Intellectual Property Asset Plan and have any questions, please feel free to call attorney Kathryn Spray at Aloia Law at 586.783.3300.

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### IMPACT OF FACIAL RECOGNITION SETTLEMENT ON CRIMINAL DEFENSE (ZOOM)

January 17, 2024 | 11:00am - 12:30pm  
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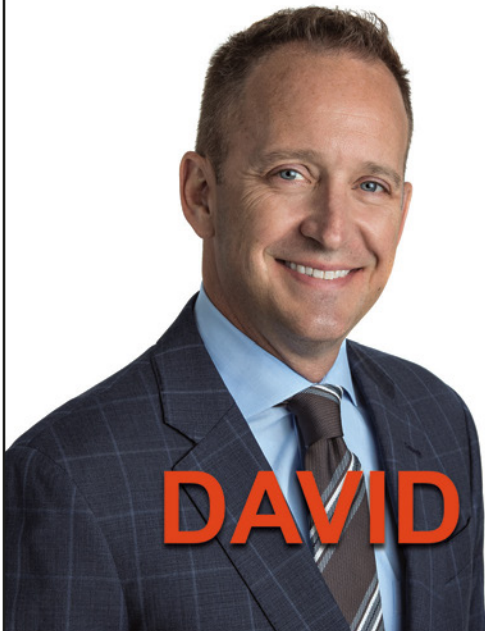
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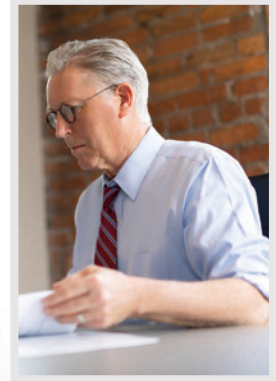
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