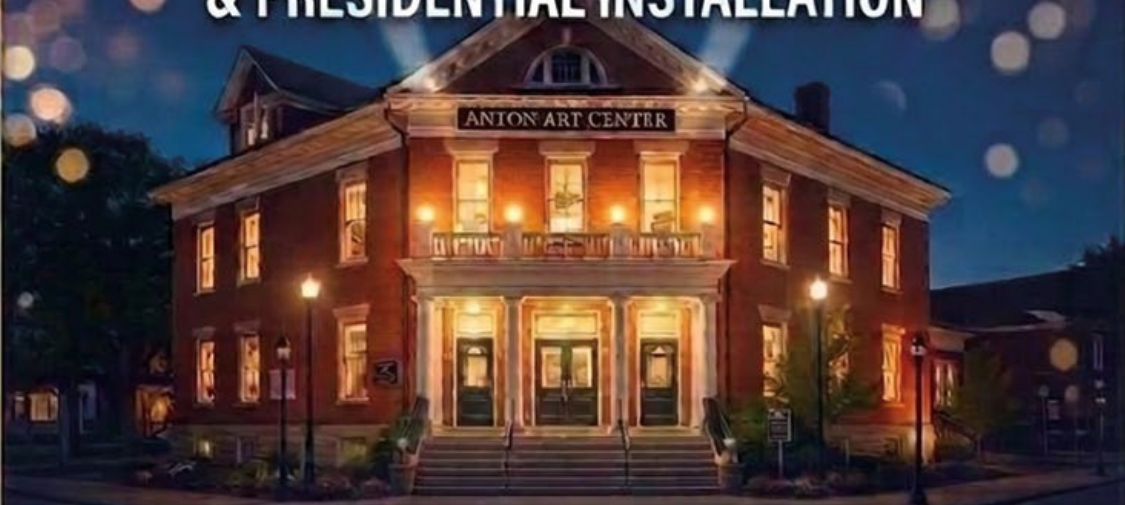


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Official Publication of the Macomb Bar Association

September 2026

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EVENT DETAILS



DATE:

Wednesday, October 14, 2026



TIME:

5:00 PM Reception | 6:00 PM Celebration



LOCATION:

Anton Art Center,
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HIGHLIGHTS



Strolling Dinner
Signature Cocktails
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MCBA The Living Promise:

Self-Reflection, Mental Well-Being, and the Michigan Lawyer's Oath

*By Sherrie L. Detzler, 98th President
of the Macomb County Bar Association*

When we stood before the court and raised our right hands to take the Michigan Lawyer's Oath, the moment felt monumental. We swore to support the Constitutions, maintain the respect due to courts, and faithfully discharge our duties. Yet, as the years pass and daily practice takes over, that sacred oath can easily fade into a framed certificate on an office wall, obscured by grueling billable hours, demanding clients, and relentless deadlines.

In a high-stress profession, ignoring our internal state doesn't just invite burnout—it actively threatens our ability to uphold our professional pledges. To prevent our oath from becoming a forgotten formality, we must embrace regular self-reflection as an act of both professional discipline and mental wellness.

Self-reflection serves as a vital tool to realign our practice with our well-being in three distinct ways:



1. Preserving Civility by Preventing Emotional Depletion

The oath explicitly demands that we abstain from "offensive personality" and maintain the respect due to courts and colleagues. In an adversarial system, maintaining this high standard requires immense emotional regulation. When we are chronically burned out, our patience thins, and our capacity for empathy erodes. Routine self-reflection allows us to pause and evaluate our internal stress levels before they manifest as hostility or incivility toward opposing counsel, clients, or the bench. Protecting our mental health is the first line of defense in protecting our professionalism.

2. Restoring a Sense of Purpose Against Moral Weariness

We pledged never to reject the cause of the defenseless or oppressed for personal reasons, and to never delay any ground because of malice or fee. However, the secondary trauma of dealing with heavy legal crises can lead to compassion fatigue and cynicism. Taking time to step

back and honestly reflect on our workload helps us assess our motives and emotional capacity. Self-reflection reminds us why we chose this path, helping us reconnect with our fundamental purpose and allowing us to advocate zealously without losing our humanity.

3. Recognizing When Duty Demands Rest

We cannot "faithfully discharge the duties of the office of attorney" if we are operating on empty. True self-reflection requires us to dismantle the toxic idea that self-care is a sign of weakness. Instead, we must see mental well-being as a core ethical obligation.

Taking five minutes at the end of a long week to read the Michigan Lawyer's Oath can reset our perspective, signaling when it is time to seek support, set healthy boundaries, or take a necessary step back to recharge.



The Michigan Lawyer's Oath is not a historical relic or a graduation hurdle; it is a living blueprint for a sustainable, honorable career. By committing to routine self-reflection and prioritizing our mental health, we ensure that we remain healthy enough to fulfill the noble promises we made at the start of our journey.

I do solemnly swear (or affirm):

I will support the Constitution of the United States and the Constitution of the State of Michigan;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with my client's business except with my client's knowledge and approval;

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I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed upon members of the bar as conditions for the privilege to practice law in this State.

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Special Unit Spotlight:

Justin Pollard Leads Macomb County's Environmental Crimes, Animal Cruelty, Internet & Human Trafficking Unit

*By Nancy Zieah, Assistant Prosecuting Attorney
Macomb County Prosecutor's Office*



Criminal prosecution is rarely one-size-fits-all. As technology evolves, new forms of exploitation emerge. While some cases demand a thorough understanding of digital evidence, others require the ability to work with vulnerable victims, particular investigative techniques, and complex factual and legal issues.

At the Macomb County Prosecutor's Office (MCPO), four specialized areas of prosecution—Environmental Crimes, Animal Cruelty, Internet Crimes, and Human Trafficking—are united under the leadership of Chief Assistant Prosecuting Attorney Justin Pollard. His assignments reflect both the increasingly specialized nature of modern prosecution and the importance of having prosecutors who can develop expertise in areas that require knowledge beyond a traditional criminal docket.

Internet and Human Trafficking Crimes: Prosecuting Crime in the Digital Age and Protecting Vulnerable Victims

The Internet has transformed nearly every aspect of modern life. For prosecutors, that means cases involving various forms of digital evidence.

Pollard's leadership in the Internet Crimes Unit includes his work as a member of the Michigan State Police Internet Crimes Against Children (ICAC) Affiliate Task Force, which focuses on offenses involving the exploitation of children. Preparing these cases for court requires prosecutors to understand not only the applicable criminal statutes, but the evolving technology utilized to generate and disseminate evidence. To effectively identify and analyze this technology, Pollard has completed specialized Digital Evidence for Prosecutors training through the United States Secret Service at the National Computer Forensics Institute as well as Forensic Interviewing of Children, through the Prosecuting Attorneys Association of Michigan.

That combination of courtroom experience and focused training is necessary in cases involving child victims and sophisticated digital evidence.

Human trafficking prosecutions present their own set of challenges. These cases can involve complicated victim-offender relationships, vulnerable victims, and investigations requiring prosecutors to work closely with law enforcement.

Pollard's experience in specialty courts provides an additional perspective relevant to this work. Before taking his current assignments, he served as the assigned prosecutor for Specialty Treatment Courts, including Mental Health Court before Judge Sandra Harrison and Sobriety Court before Judge James Maceroni.

This experience has given Pollard exposure to cases involving individuals with unique circumstances.

Animal Cruelty: Giving a Voice to Victims

The Animal Cruelty Unit is another specialized assignment under Pollard's leadership.

These cases require careful attention to the evidence surrounding the condition and treatment of an animal, as well as the circumstances under which the offense occurred. These cases benefit from focused prosecutorial attention and familiarity with the issues that arise during investigation and trial.

The creation of a dedicated Animal Cruelty Unit reflects MCPO's commitment to ensuring that these cases receive the careful review and prosecution they require.

Environmental Crimes: A Specialized Area of Prosecution

Environmental Crimes rounds out the four specialized units led by Justin Pollard.

Environmental cases present prosecutors with factual circumstances and evidence that differ substantially from the average criminal docket. Effective prosecution requires a review of technical information, investigative records, and the applicable statutory framework.

Pollard's background in civil litigation provides the legal foundation necessary for him to approach these cases from a broad perspective while remaining focused on building cases that can be effectively presented in court.

Meet the Chief

Justin Pollard



Justin Pollard's current role is the product of a diverse legal career spanning both private practice and public service. He has been an attorney for 15 years and for the last eight years with MCPO. He has worked in the District Courts, Warrants Unit, Appeals Unit and has served as a Circuit Court second chair for Judges Carl Marlinga, Jennifer Faunce, Kathryn Viviano, Ed Servitto, Michael Servitto, Julie Gatti, and Anthony Servitto. Pollard also previously served as Chief of the Probate Unit and as the assigned prosecutor for Specialty Treatment Courts.

His educational background began at Paul K. Cousino High School in Warren before he attended Michigan State University, where he earned a bachelor's degree in supply chain management and logistics from the Eli Broad School of Business and subsequently went on to earn his J.D. from Thomas M. Cooley Law School.

For Pollard, this position draws upon virtually every stage of his legal career. The result is a prosecutor whose work spans some of the most technically and legally challenging areas of prosecution in an effort to further protect the community.

Conclusion

Environmental Crimes, Animal Cruelty, Internet Crimes, and Human Trafficking may appear to be four very different areas of prosecution. What connects them is the need for focused prosecutorial attention. Each unit addresses conduct that presents unique circumstances for investigators, prosecutors, and victims. By bringing these assignments together under one chief, MCPO can provide dedicated leadership to areas of criminal law that are continuously evolving.



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14 12 PM SEPTEMBER	Bearing Witness: Understanding and Managing Secondary Trauma, Compassion Fatigue, and Resilience in Criminal Defense Work Presented by Theresa Cipponeri
05 12 PM OCTOBER	Take the Fifth: Advising Your Client as a Witness Presented by Stephen Rabaut
23 12 PM OCTOBER	BONUS! PPO Violations and Show Cause Hearings Presented by Hon. Tracey A. Yokich
02 12 PM NOVEMBER	Objection, Jurisdiction! Your Client, the Sovereign Citizen Presented by Catherine O'meara Bolden
07 12 PM DECEMBER	Take It Up: Interlocutory Appeals Presented by Kathy Swedlow

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Who Gets the House?

A Lady Bird Deed Bar Exam Question

By Patrick M. Simasko, Partner at Simasko Law



Mom owns her home in Michigan and executes a standard Lady Bird deed which states:

"Grantor reserves unto herself a life estate with the full power to sell, convey, mortgage, lease, or otherwise dispose of the property during her lifetime, with the remainder equally to David and Susan."

Five years later, Susan dies, leaving two children. Mom never changes or revokes the deed. Several years later, Mom dies still owning the property.

Who owns the home?

- A. David owns the entire property.
- B. David owns one-half and Susan's probate estate owns the other half.
- C. David owns one-half and the remaining one-half passes through Mom's probate estate.
- D. I have no idea.

Many Michigan attorneys instinctively choose one of these answers. The problem is that no published Michigan appellate decision squarely resolves the issue.

Lady Bird deeds have become one of the most frequently used probate-avoidance tools in Michigan. The name is cute so everyone remembers it and asks for it. They are simple, inexpensive, and remarkably effective at transferring real estate outside of probate while allowing the owner to retain complete control during life. Yet that simplicity masks an important unanswered question: **What happens when a named remainder beneficiary dies before the grantor?**

The answer is not found in the Estates and Protected Individuals Code, Michigan's anti-lapse statute, or any published Michigan decision directly addressing the issue. Instead, it requires an examination of traditional principles of property law and the unique nature of the interest created by a Lady Bird deed. Ordinarily, a deed conveying property to David and Susan "equally" would be presumed to create a tenancy in common under Michigan law. That presumption, however, answers only the form of ownership—not whether the beneficiaries acquired an inheritable property interest under a Lady Bird deed.

This article examines whether a beneficiary under a Michigan Lady Bird deed receives a vested property interest or merely a contingent expectancy, how that distinction affects ownership when a beneficiary predeceases the grantor, and, most importantly, how careful drafting can eliminate uncertainty and avoid future litigation.

The Nature of the Interest Created by a Lady Bird Deed

Lady Bird deeds, more accurately known as enhanced life estate deeds, have become one of the most valuable estate planning tools available to Michigan practitioners. They gained widespread popularity because they solve two significant estate planning objectives with a single document: allowing a residence to pass outside of probate while, in most cases, avoiding Medicaid estate recovery. At the same time, the grantor retains virtually complete ownership and control during life.

Unlike a traditional life estate, the grantor reserves the unrestricted right to sell, mortgage, lease, convey, or revoke the deed without the knowledge or consent of the named remainder beneficiaries. If the grantor exercises any of those powers, the beneficiaries simply receive nothing. Those retained powers distinguish a Lady Bird deed from an ordinary life estate. Under a traditional life estate, the remaindermen acquire a vested future interest immediately upon delivery of the deed. Although possession is postponed until the life tenant's death, that interest generally may be transferred, inherited, or reached by creditors. The remainderman owns a present property interest even though enjoyment is delayed.

A Lady Bird deed is fundamentally different. The beneficiaries have no right to possess the property, prevent its sale, object to a mortgage, or compel partition. Their interest exists only because the grantor has chosen not to exercise the powers reserved in the deed.

This distinction raises the central question presented by our hypothetical: **What interest, if any, do the beneficiaries actually receive when the deed is signed?**

Vested or Contingent?

Traditional property law recognizes two basic future interests relevant here: vested remainders and contingent remainders.

A vested remainder is a present property interest that becomes possessory upon the termination of the preceding estate. Because the interest already exists, it is generally transferable during life, devisable by will, descendible at death, and subject to creditors' claims.

A contingent remainder, by contrast, depends upon the occurrence of a future event before any property interest becomes complete. If the required event never occurs, the interest never matures into an ownership interest capable of passing to heirs or devisees.

The difficulty is that a Lady Bird deed fits neatly into neither category.

Because the grantor retains the unrestricted power to eliminate the beneficiaries' interest at any time, commentators have described

the remainder as a vested remainder subject to complete divestment, a contingent remainder, or simply an expectancy dependent upon the grantor dying while still owning the property. Michigan appellate courts have not expressly adopted any of these characterizations.

That distinction is not merely academic. It determines ownership of the property.

If Susan acquired a vested remainder when the deed was executed, her one-half interest ordinarily became part of her probate estate upon her death. If, however, surviving the grantor is an implied condition of taking, Susan never acquired an inheritable property interest, and there was nothing capable of passing to her estate or descendants.

Applying Michigan Law

Although no published Michigan decision answers this question directly, existing authority points in a consistent direction.

Michigan Land Title Standard 9.3 recognizes that the grantor under a Lady Bird deed retains the unrestricted authority to convey fee title during life without the participation of the named remainder beneficiaries. From a title examiner's perspective, the grantor remains the only necessary party to a lifetime conveyance.

Likewise, the Michigan Court of Appeals has repeatedly emphasized that the defining characteristic of an enhanced life estate is the grantor's continued dominion over the property. In *Bill & Dena Brown Trust v. Garcia*, the Court recognized that the grantor retained virtually every significant incident of ownership, including the unrestricted ability to defeat the remainder interest through a lifetime conveyance.

These authorities share a common theme: until the grantor dies still owning the property, the beneficiaries have no enforceable right to possession, control, or preservation of the property. Their interest remains entirely subject to the grantor's unilateral decisions. A property interest that can be completely destroyed at any moment by the unilateral act of another person bears little resemblance to the vested remainders recognized by traditional property law. The beneficiary cannot compel performance, preserve the interest, or prevent its elimination. Whether the beneficiary ultimately receives anything depends upon two events beyond his or her control: the grantor must die while still owning the property, and the beneficiary must then be capable of taking under the deed.

Applying that analysis to our hypothetical, Susan never satisfied the condition because she predeceased Mom. Having acquired no vested property interest, Susan had nothing capable of passing through her probate estate or to her descendants. Upon Mom's death, David became the sole surviving remainder beneficiary and owns the property.

Reasonable minds may disagree, and only a Michigan appellate court can definitively resolve the issue. Until that occurs, practitioners should recognize the uncertainty and eliminate it through careful drafting rather than relying on judicial construction.

Practice Pointers for Michigan Practitioners

Whether a Michigan appellate court ultimately concludes that a remainder interest under a Lady Bird deed is vested, contingent, or something in between, one lesson is already clear: **the uncertainty is almost entirely avoidable through careful drafting.**

A standard Lady Bird deed typically names remainder beneficiaries and stops there. It rarely addresses what happens if one of those beneficiaries dies before the grantor. That omission can

transform a document intended to avoid probate into the catalyst for expensive probate litigation.

Practitioners can substantially reduce that risk by following a few simple drafting principles:

- **Ask one additional question.** Before preparing the deed, ask the client: "What do you want to happen if one of your beneficiaries dies before you?" The answer should appear in the deed, not be left for a court to infer years later.
- **Include survivorship language.** If the client intends the surviving beneficiary to receive the entire property, state that intention expressly. Do not assume the law will reach the desired result.
- **Provide for descendants if that is the client's intent.** If a deceased beneficiary's children are to inherit, include substitute-beneficiary or per stirpes language rather than relying on principles that may not apply to an inter vivos deed.
- **Avoid relying on form documents.** Many Lady Bird deeds are copied from prior files without considering the client's family circumstances. A form may avoid probate while failing to address foreseeable changes such as death, divorce, remarriage, or blended families.
- **Review deeds periodically.** A beneficiary's death, a new grandchild, a marriage, or a divorce should trigger a review of the client's deed just as it would a review of the client's will or trust.
- **Coordinate the deed with the overall estate plan.** A Lady Bird deed should complement—not contradict—the client's will, trust, beneficiary designations, and other estate planning documents.

Conclusion

Lady Bird deeds remain one of the most valuable estate planning tools available to Michigan practitioners. They are inexpensive, simple to implement, preserve complete control during the grantor's lifetime, and effectively avoid probate in the overwhelming majority of cases.

Yet their simplicity can also become their greatest limitation.

A deed transfers title. It does not anticipate every contingency that life presents. When a beneficiary dies first, a family changes, or unforeseen circumstances arise, the questions left unanswered by a simple deed may become the subject of litigation years later.

The hypothetical at the beginning of this article illustrates that point. Although the better view under existing Michigan authority is that a beneficiary who predeceases the grantor does not acquire an inheritable property interest, no published Michigan appellate decision has squarely resolved the issue. Until that day comes, prudent practitioners should assume the question may someday be litigated.

Instead of predicting how a Court will answer the question—it is to ensure the court never has to.

Careful drafting remains the best form of litigation avoidance. One additional question during the estate planning conference, followed by one carefully drafted provision in the deed, can eliminate uncertainty, preserve family harmony, protect marketable title, and ensure that the client's wishes—not judicial interpretation—determine who ultimately owns the property.

Lady Bird deeds are designed to avoid probate. Comprehensive estate planning is designed to prepare for the unexpected. When those two objectives work together, the result is not merely an efficient transfer of title, but an estate plan that carries out the client's intent even when life does not go according to plan.



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Hon. Diane M. Druzinski to Receive Lifetime Judicial Achievement Award

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

The Honorable Diane M. Druzinski (Ret.) will receive the American Board of Trial Advocates Michigan Chapter's 2026 Lifetime Judicial Achievement Award. This well-deserved honor recognizes her many years of judicial service, professionalism, and integrity.

Judge Druzinski was first elected to the 16th Judicial Circuit Court in 2002 and served for 23 years in its criminal and civil division before retiring in January 2026. During her distinguished tenure, she served as Chief Judge Pro Tempore, presided over the Adult Felony Drug Court, chaired the Community Corrections Advisory Board, and instructed newly appointed and elected judges through the Michigan Judges Association.

Judge Druzinski brought dedication, sound judgment, and a deep respect for the law to the bench. Her contributions have had a lasting impact on the judiciary and the Macomb County legal community. Please join me in congratulating Judge Druzinski on this distinguished honor.

The award will be presented at the ABOTA 2026 Annual Meeting & Holiday Gathering on Friday, December 4, 2026, at The Vanguard Ann Arbor. For additional information, visit: <https://abotami.org/event/abota-2026-annual-meeting-holiday-gathering/>



New Judicial Assignments in the 16th Judicial Circuit Court

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

The 16th Judicial Circuit Court has new judicial assignments within its Family and Civil/Criminal divisions. The new assignments took effect September 7, 2026.



Judge Joseph Toia is now assigned to the Family Division, assuming the docket previously assigned to Judge Teri L. Dennings. Judge Dennings has moved to the Civil/Criminal Division, assuming the docket previously assigned to Judge Toia.



Judge Dennings requested the opportunity to begin her Civil/Criminal Division assignment ahead of the conclusion of Judge Toia's term at the end of the year. The change allows her to transition to the docket several months earlier than originally anticipated. I am confident she will do a great job in her new assignment, and we look forward to Judge Toia's continued service in the Family Division.

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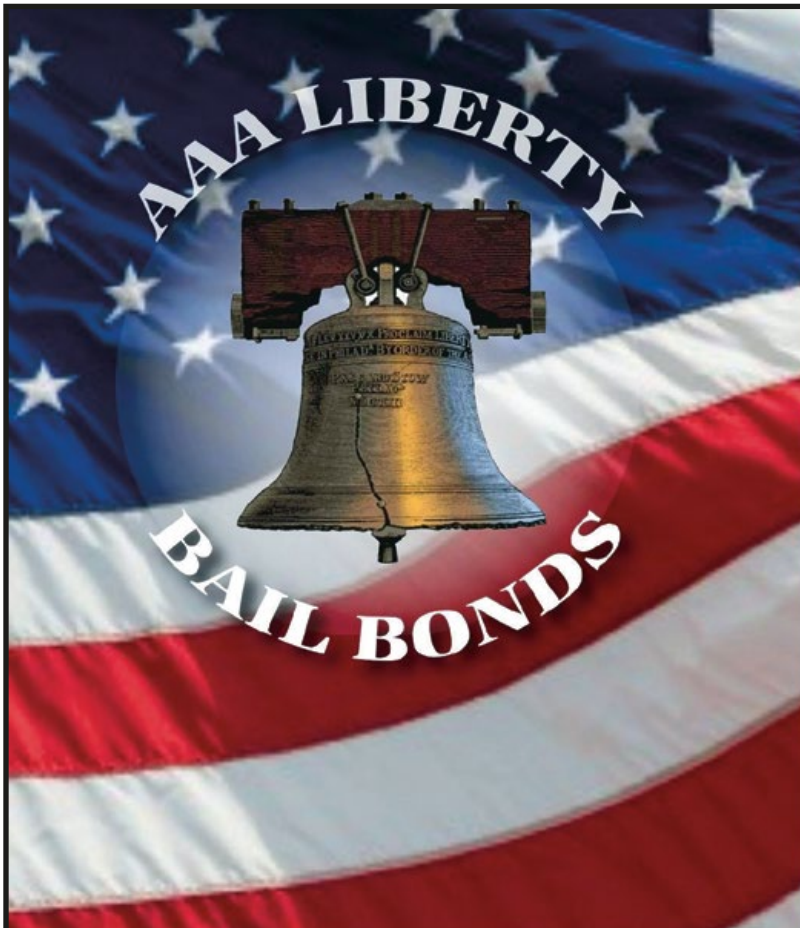
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Hon. Stephen S. Sierawski to Receive Civic Service Leadership Award

The Sterling Heights Area Community Foundation is holding its 14th annual signature Gala, "Puttin' on the Ritz," at Villa Penna in Sterling Heights, on Friday, Oct. 23, 2026, from 6-11 p.m.

This year, the Foundation is recognizing The Honorable Stephen S. Sierawski, Chief Judge of the 41-A District Court, for his 28 years of

outstanding judicial service to Sterling Heights, Shelby Township and Macomb Township.



"Through his strong judicial administration and leadership, Chief Judge Sierawski has helped strengthen the communities he serves by consistently interpreting laws, fairly resolving local disputes and determining sentences or treatments that

balance public safety with rehabilitation," said Karl G. Oskoian, Sterling Heights Area Community Foundation Executive Director and President Emeritus. "We are honored to recognize Chief Judge Sierawski for his exemplary leadership and decisions positively affecting community public safety, family stability and public trust in the legal system."

Following the passing of Sterling Heights Mayor Richard Notte in 2015, the Foundation established the annual Mayor Richard J. Notte Civic Service Leadership Award to honor his legacy by recognizing community leaders who share his traits and values and encouraging others to extraordinary civic leadership.

MCBA members who have previously received the Mayor Richard J. Notte Civic Service Leadership Award include David F. Viviano, Michigan Supreme Court Justice Pro Tem (2019), and Clark A. Andrews, J.D., O'Reilly Rancilio, P.C. (2025).

For additional information, visit: <https://www.sterlingheights.gov/1839/Puttin-on-the-Ritz>.

PATHWAYS TO THE JUDICIARY



Join the Commission on Fairness and Public Trust in the Judiciary and the Oakland County Bar Association for a panel discussion featuring:

- Judge Sima G. Patel, Michigan Court of Appeals
- Chief Judge Jeffery S. Matis, 6th Circuit Court, Oakland County
- Judge Lorie N. Savin, 6th Circuit Court, Oakland County
- Judge Shelia R. Johnson, 46th District Court, Southfield

Hear directly from the judges about the pathways they took to the bench, the obstacles they overcame along the way, and their advice for others considering a career in the judiciary.

Mingle with the judges and fellow guests afterward at a social hour hosted by the Michigan State Bar Foundation (cash bar).

WHEN: Thursday, October 29, 5:00-7:30 p.m.
WHERE: Emagine Theater, Royal Oak
CONTACT: tarsine@courts.mi.gov
REGISTER: [CLICK HERE](#)

(Space is limited and registration will close Monday, October 26.)



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Michigan Lawyers Weekly 2026 List of "Best Up & Coming Law Firms"

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September 22, 2026 | 2:00 PM – 3:00 PM

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SENTENCING GUIDELINES PART TWO: BEYOND THE BASICS (ZOOM)

October 7, 2026 | 2:00 PM – 3:00 PM

Open to all attorneys REGISTRATION CODE: MLSC80

WHEN COMPETENCY IS IN QUESTION (ZOOM)

October 9, 2026 | 10:00 – 11:00 AM

Open to all attorneys

REGISTRATION CODE: MLSC86

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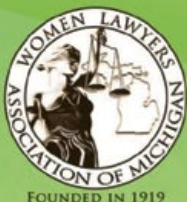
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