
From: "State Bar of Michigan" <no-reply@wufoo.com>
To: <csharlow@mail.michbar.org>, <webmaster@mail.michbar.org>
Date: 3/10/2017 10:04 AM
Subject: Unsung Hero Award [#4]

Name of Nominee:	F. Martin "Marty" Tieber
Title:	Attorney
Firm or Organization:	Tieber Law Office
Address:	403 Seymour Avenue, Lansing, MI 48933
Phone:	517-339-0454
E-mail:	marty@tieberlaw.com
Name of Nominator:	Mary Chartier
Title:	Attorney
Firm or Organization:	Alane & Chartier, P.L.C.
Address:	403 Seymour Avenue, Lansing, MI 48933
Phone:	517-482-2000
E-mail:	mary@alanechartier.com
Explain the merits of your nomination, submit any supporting materials for your nominee by e-mail, fax, or mail. Give specific examples.	My attached letter details the merits of selecting Mr. Tieber, but his commitment to working on behalf of those wrongfully convicted is one of the biggest accomplishments that Mr. Tieber has made to our state. He was instrumental in establishing the Innocence Project and serve as the first chairperson of the Innocence Project Commission. As detailed in my letter, his commitment recently resulted in the exoneration of an innocent man – there can be no bigger accomplishment than saving a person's life.

RESUME

F. Martin Tieber TIEBER LAW OFFICE
215 S. Washington Square, Suite C Lansing, MI 48933 marty@tieberlaw.com
TEL [\(517\) 339-0454](tel:517-339-0454) FAX [\(517\) 861-2024](tel:517-861-2024)

EDUCATIONAL BACKGROUND

LAW SCHOOL Wayne State University
 Detroit, Michigan
 Juris Doctor, August 1975

UNDERGRADUATE University of Notre Dame
 South Bend, Indiana
 B.A. English, May 1972

HIGH SCHOOL University of Detroit High School
 Detroit, Michigan Graduated, June 1968

EMPLOYMENT HISTORY

STATE APPELLATE DEFENDER OFFICE

December 1973–March, 1976 Student Researcher, Research Attorney March 1976–August 1978 Staff Attorney (Assistant Defender)
 August 1978–October 2002 Director, Lansing Office (Deputy Defender) November, 2002 – Present Private Practice, Tieber Law Office

Position responsibilities at SADO from 1978–2002 included 1/2 caseload, assisting with general administration of the entire agency (Detroit and Lansing), administration of the Lansing office and legislative/government liaison. Since 1976, I have represented clients in the United States Supreme Court as well as in the Michigan Court of Appeals, the Michigan Supreme Court and the lower federal courts. Following are some of the cases I have handled:

MICHIGAN COURT OF APPEALS: People v Terry Burton, 74 Mich App 215 (1977);
 People v Adan, 83 Mich App 326 (1978); People v Hernandez, 84 Mich App 1 (1978); People v Florinchi, 84 Mich App 128 (1978); People v Graham, 84 Mich App 663 (1978);
 People v Ramon, 86 Mich App 113 (1978); People v Schuster, 86 Mich App 601 (1978);
 People v Kraai, 92 Mich App 398 (1979); People v Robert Haggart, 142 Mich App 330

(1985); People v McPeters, 181 Mich App 145 (1989); People v Moore, 189 Mich App 315 (1991). People v Anthony Scott Campbell, unpublished opinion per curiam of the Court of Appeals, decided January 27, 2005 (Docket No. 245263 254807); People v Mardlin, unpublished opinion per curiam of the Court of Appeals, decided January 24, 2012 (Docket No. 279699).

MICHIGAN SUPREME COURT: People v Rand, 397 Mich 638 (1977); People v Emil Kachar, 400 Mich 78 (1977); People v Dale Warner, 401 Mich 186 (1977); People v Richard Helzer, 404 Mich 410 (1978); People v Baldwin & Woolfolk, 405 Mich 550 (1979); People v Gardner, 406 Mich 369 (1979); People v Coles, 417 Mich 523 (1983); People v Mardlin, 487 Mich 609 (2010).

UNITED STATES DISTRICT COURT: Fargo v Phillips, 129 F. Supp 2d 1075 (E.D.

Mich. 2001); *Byrd v Trombley*, Opinion and order granting writ of habeas corpus, Case no. 05- 74850, September 18, 2008; *Scheidler v Berghuis*, Order granting writ of habeas corpus, Case no. 07-10346, November 12, 2009.

6TH CIRCUIT: *Charles v Anderson*, 610 F2d 417 (6th Cir. 1979); *Haggart v Borgert*, 869 F2d 1490 (6th Cir. 1989); *McGraw v Holland*, 257 F.3d 513 (6th Cir. 2001); *Byrd v Trombley*, opinion of 6th Circuit affirming grant of the writ,, No. 08-2319, November 5, 2009.

UNITED STATES SUPREME COURT: *Anderson v Charles*, 447 US 404; 100 S Ct 2180; 65 L Ed 2d 222 (1980).

1985 – 2002. Adjunct Professor. Thomas M. Cooley Law School. Lecture courses in Postconviction Remedies and in Criminal Sentencing Law & Practice. I have also done substitute work teaching Evidence and coordinated a clinical course in appellate practice for several years.

CRIMINAL DEFENSE TRAINING ACTIVITIES

Since 1978, I have served as a trainer with respect to the substance and procedure of criminal defense work and, especially, on various aspects of legislative advocacy. I have run training workshops and seminars for the following groups, among others:

National Legal Aid and Defender Association
National Community Sentencing Association
National Association of Criminal Defense Lawyers
Criminal Defense Attorneys of Michigan
Michigan Community Corrections Board
Michigan Appellate Assigned Counsel System
Michigan Council on Crime and Delinquency
Michigan Judicial Institute Annual Judicial Conference

Resume of F. Martin Tieber Page 3

Wayne County Criminal Advocacy Program
Institute for Continuing Legal Education
Upper Michigan Legal Institute, State Bar of Michigan and ICLE

In 2002 I attended, by select invitation, the two-week, widely acclaimed National Criminal Defense College trial litigation training program in Macon, Georgia.

SPEAKING/PUBLISHING/IMPACT LITIGATION AWARDS

Since 1978 I have accepted a substantial number of speaking invitations issued by, among others, the American Civil Liberties Union, the Criminal Defense Attorneys of Michigan, the Michigan Council on Crime and Delinquency, the State Bar of Michigan, the Institute of Continuing Legal Education, and the Michigan Judicial Institute.

I have published several articles on criminal law topics in the Michigan State Bar Journal and the Michigan Criminal Defense Newsletter, particularly in the area of federal habeas corpus litigation. I was named a

recipient of the Cooley Law Review Distinguished Brief Award, for a Michigan Supreme Court brief on the issue of appellate review of sentencing, published in Volume 3, Number 3 at p. 377 (1985).

In January of 1990, I published a report entitled "Michigan's Corrections Crisis--Causes, Effects and Specific Policy and Fiscal Solutions." The report was well received by state government and garnered favorable press coverage, including editorial support.

Since 1978 I have handled special, major cases and "impact litigation." In 1991 I won release for my client in a complex major murder case that was the subject of a front page series run in the Detroit News and received substantial publicity for a successful attack on the good time policy of the Michigan Department of Corrections, a suit which saved the State of Michigan over 14 million dollars in incarceration costs.

In November of 1991 I received a special award from the Criminal Defense Attorneys of Michigan, a state-wide organization consisting primarily of private practitioners who focus on criminal defense litigation. The award recognized "outstanding contributions" and focused on my accomplishments in winning a seat for the criminal defense bar on two critical boards: The Michigan Justice Training Commission, a state body which awards millions of dollars per year in training grants, and the Michigan State Bar Criminal Law Section Council.

In January of 2003 I was selected as one of the top ten lawyers in the state of Michigan for the year 2002 by Michigan Lawyers Weekly, a state-wide trade publication.

PROFESSIONAL AND COMMUNITY ACTIVITIES

MICHIGAN INNOCENCE PROJECT Founder
Chair of Innocence
Project Commission, 2001.

MICHIGAN JUSTICE TRAINING COMMISSION 1996 - 2001
Vice Chair, 2001

STATE BAR DEFENDER SYSTEMS AND Chair, 1980 - 81
SERVICES COMMITTEE and 1981-1982

STATE BAR PRISONS AND Member, 1984 - 1987
CORRECTIONS COMMITTEE

STATE BAR CRIMINAL JURISPRUDENCE Member, 1980 - 1983
COMMITTEE

STATE BAR CRIMINAL LAW SECTION Elected Council Member, 1986-1989
COUNCIL

STATE BAR APPELLATE PRACTICE Founding Elected Council Member,
SECTION 1995 – 1997

MICHIGAN PRISON OVERCROWDING Policy Team Member,
PROJECT 1981 – 1984

GOVERNOR'S TASK FORCE ON Member, 1979 – 1980
PRISON OVERCROWDING

INGHAM BAR ASSOCIATION Coordinator for
ELEMENTARY SCHOOL PEER Harley Franks School
MEDIATION PROJECT 2000 – 2001

NEW WAY IN (HALFWAY HOUSE) Board of Directors, 1990–1992

DOWNTOWN LANSING YMCA Board of Directors, 1993–1997

PROFESSIONAL ASSOCIATIONS

CRIMINAL DEFENSE Board of Directors, 1990–1993
ATTORNEYS OF MICHIGAN Vice President, 2001–2002
President, 2002–2003

NATIONAL LEGAL AID AND DEFENDER ASSOCIATION NATIONAL ASSOCIATION OF CRIMINAL DEFENSE
LAWYERS INGHAM COUNTY BAR ASSOCIATION

Optional: List news, magazine, radio, and TV features about the nominee's accomplishments (do not submit actual articles or DVDs). Feel free to include any hyperlinks to these stories, if they are still online.

State date/page and media e.g. 12/12/07, p. 12, Lansing State Journal, "Lawyer Begins TLC Program in Schools"

There are many stories about Marty Tieber's successes. Here are two recent ones that involve an exoneration:

This is a link to the Wood TV story and article.

<http://woodtv.com/2017/02/28/justice-and-love-win-out-in-overtured-conviction/>

This is the national exoneration story.

<https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5102>

Attach Document (Optional)



[2017_03_09_tieber_nomination_letter.pdf](#)

1.48 MB • PDF

Ms. Carrie Sharlow
Representative Assembly Awards
State Bar of Michigan
306 Townsend Street
Lansing, MI 48933-2012

March 9, 2017

Re: *Unsung Hero Award Nomination for F. Martin Tieber*

Dear Ms. Sharlow and Representative Assembly Members,

I am proud to nominate F. Martn Tieber for the State Bar of Michigan's Unsung Hero Award. Mr. Tieber has been dedicated to defending the rights of men and women in criminal defense cases for over forty years. He is unanimously regarded as one of the nation's top appellate attorneys, and he has the respect of all those who know him.

There are many reasons to recognize Mr. Tieber with this award. He has been described by the *Detroit Free Press* and *Michigan Lawyers Weekly* as "one of the nation's top criminal appellate experts." For a quarter century he directed the Lansing office of the State Appellate Defender, a nationally acclaimed agency. His appellate experience consists of hundreds of cases, and, since 1973, he has successfully practiced in nearly all of Michigan's trial courts, the Michigan Court of Appeals, the Michigan Supreme Court, the federal district courts for the Eastern and Western Districts in Michigan, the Sixth Circuit Court of Appeals in Cincinnati, and the United States Supreme Court.

He has served as President of the Criminal Defense Attorneys of Michigan and is a Life Member of the National Association of Criminal Defense Lawyers. In 2002, Mr. Tieber was recognized by *Michigan Lawyers Weekly* as a Lawyer of the Year. He was instrumental in establishing Michigan's Innocence Project in 2002 and was elected the first chairperson of the Innocence Project Commission. He served for decades as an adjunct professor at Western Michigan University-Thomas M. Cooley Law School in Lansing, Michigan, and he has lectured extensively on many criminal law issues – including Michigan post-conviction practice and federal habeas litigation

NATALIE ALANE
Partner

MARY CHARTIER
Partner

MICHAEL F. CAVANAGH
Of Counsel
Chief Justice
Michigan Supreme Court
1991-1995
Justice
Michigan Supreme Court
1982-2014

TAKURA
NYAMFUKUDZA
Associate Attorney

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I could go on and on, and while Mr. Tieber's accomplishments are vast, I would like to share one recent success that personifies his commitment to his legal work and the people he defends.

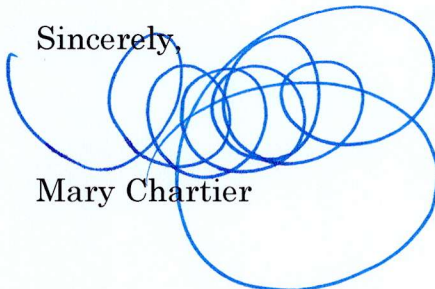
In 2006, Dennis Tomasik, a hard-working husband and father with no criminal record, was wrongfully accused of sexual assault by a troubled teenager. This started a nightmare that would result in Mr. Tomasik being convicted of two counts of criminal sexual conduct in 2007. He was sentenced to 12 to 50 years in prison, and he would serve 9 years in Michigan's prisons. Throughout those 9 years, Mr. Tieber and his son Kris Tieber stood by his side and fought for his release. The vast majority of the work was done pro bono. Mr. Tieber never gave up because he knew that Mr. Tomasik was innocent, and the Michigan Supreme Court finally reversed the convictions in 2015 and remanded the case for a new trial. In 2017, the retrial of Mr. Tomasik occurred and the jury found him not guilty of both counts after deliberating for only 19 minutes. His exoneration is now listed in the National Registry of Exonerations and a more complete account of his exoneration is provided through this link.

<https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5102>

I know quite a bit about the Tomasik case and the work that Mr. Tieber engaged in because I was one of the two attorneys who handled Mr. Tomasik's retrial. While we were the ones standing by Mr. Tomasik when he was exonerated by the jury, it was Mr. Tieber who stood beside Mr. Tomasik for 9 years. Without his work, there would never have been an opportunity for the retrial and exoneration.

I know that you will receive many worthy applicants for this award, but I am confident that there is no one more worthy of this award than Mr. Tieber. His work resulted in an innocent man being released from prison, clearing his name, and getting his life back. He is my hero and the hero of many, and I ask that you select him as the State Bar of Michigan's Unsung Hero for 2017.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and curves, positioned to the right of the word "Sincerely,".

Mary Chartier

repasssembly - F. Martin Tieber Unsung Hero Nomination

From: Ron Bretz <rjbretz@gmail.com>
To: <repasssembly@mail.michbar.org>
Date: 3/10/2017 10:23 AM
Subject: F. Martin Tieber Unsung Hero Nomination

To: Ms. Carrie Sharlow

Representative Assembly Awards
State Bar of Michigan
306 Townsend St.
Lansing, MI 48933-2012

Re: F. Martin Tieber, Unsung Hero Award

Dear Ms. Sharlow:

We are writing in support of F. Martin Tieber's nomination for the State Bar's Unsung Hero Award. Marty has been an attorney in good standing since his admission in 1975 and has earned the right to be recognized by the bar for all that he has accomplished.

Marty has had a distinguished career in practice, first as a staff attorney then as an administrator at the State Appellate Defender Office (SADO). After 20+ years with the Appellate Defender, Marty entered private practice specializing in criminal appeals. Michigan Reports and Michigan Appellate Reports contain many significant cases Marty argued.

It is not necessarily Marty's expertise as a practitioner that qualifies Marty Tieber for this award. Instead it is his consistent dedication to justice and the rights afforded to all under our constitution that warrants the greatest consideration. While Deputy Defender at SADO, Marty testified before the state Legislature on many issues involving criminal justice. He worked closely with the late Senator William Van Regenmorter in the development of the Victim Rights Act.

He was also involved in the former Michigan Justice Training Commission and its transition into the Michigan Commission on Law Enforcement Standards. Marty worked to assure that a criminal defense representative had a seat on the commission, one that is still held by the Criminal Defense Attorneys of Michigan. Finally, Marty helped to establish the very first Innocence Project in Michigan at Western Michigan Thomas Cooley Law School. That project is still functioning and has established exonerations in several cases.

Marty Tieber's accomplishments have been recognized by other groups. The Detroit Free Press hailed Marty as one of the nation's top appellate experts while Michigan Lawyers Weekly named him one of its 2002 Lawyers of the Year. Both are accurate and well-deserved. The State Bar unsung Hero Award is equally well-deserved. We encourage the Representative Assembly to give him serious consideration.

Sincerely,

/s/ _____

Ronald J. Bretz P26532

/s/ _____

Valerie Newman, P47291

/s/ _____

Nancy J. Diehl P29176

/s/ _____

Dawn Van Hoek P26614

/s/ _____

Peter Van Hoek P26615

/s/ _____

Jacqueline McCann P58774

/s/ _____

Brett DeGroff P74898

/s/ _____

Lynn B. D’Orio P48042

/s/ _____

Terence R. Flanagan P24650

/s/ _____

Joseph Poprawa P29273

/s/ _____

Patricia Maceroni P44124

/s/ _____

James Samuels P32445

/s/ _____

Jill Price P33643

/s/ _____

John Minock P24626

/s/ _____

Jonathan Sacks P67389

/s/ _____

Frank Eaman P13070

/s/ _____

Marshall Tauber P34547

/s/ _____

William Swor P21215

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Ron Bretz