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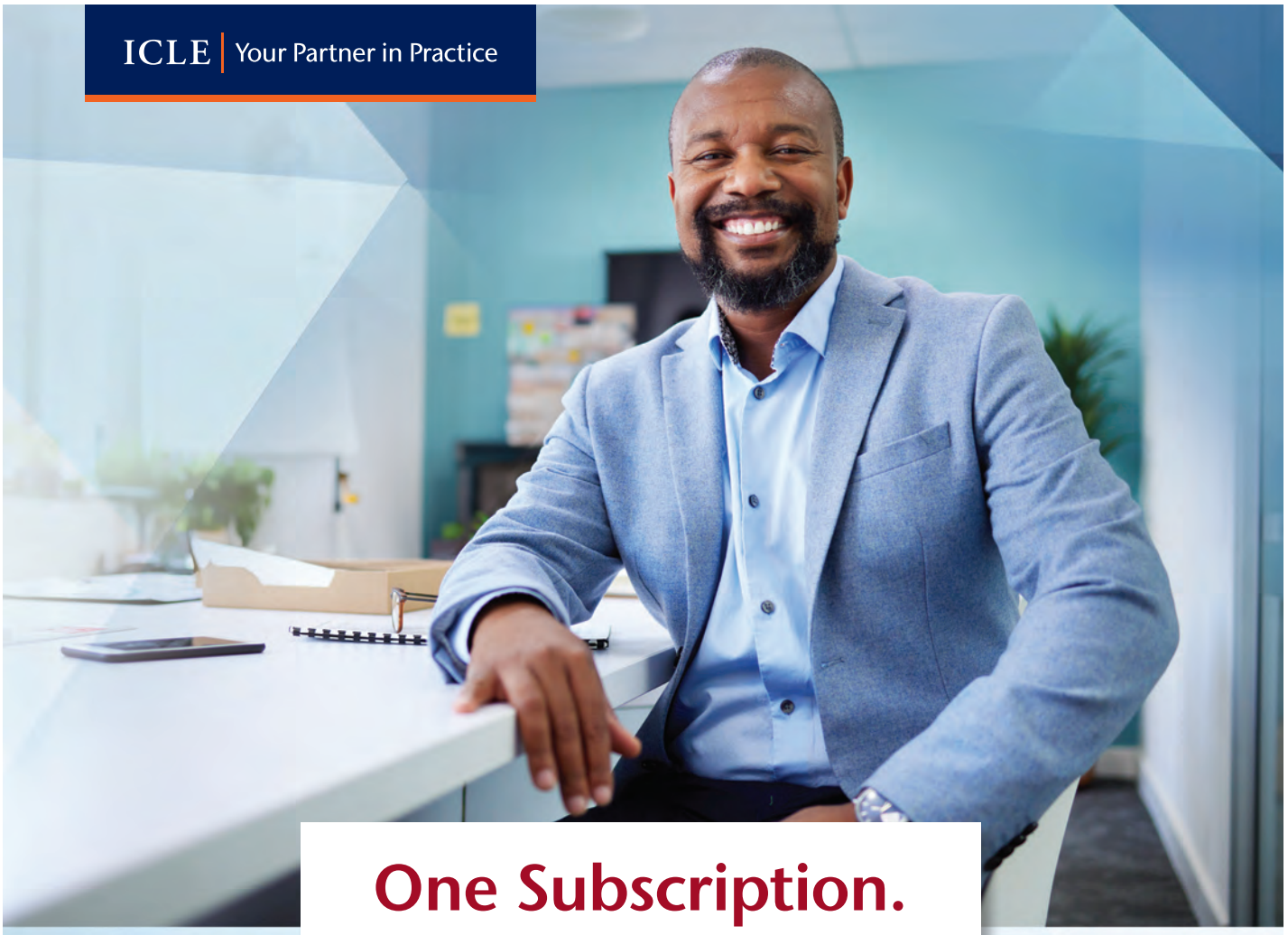

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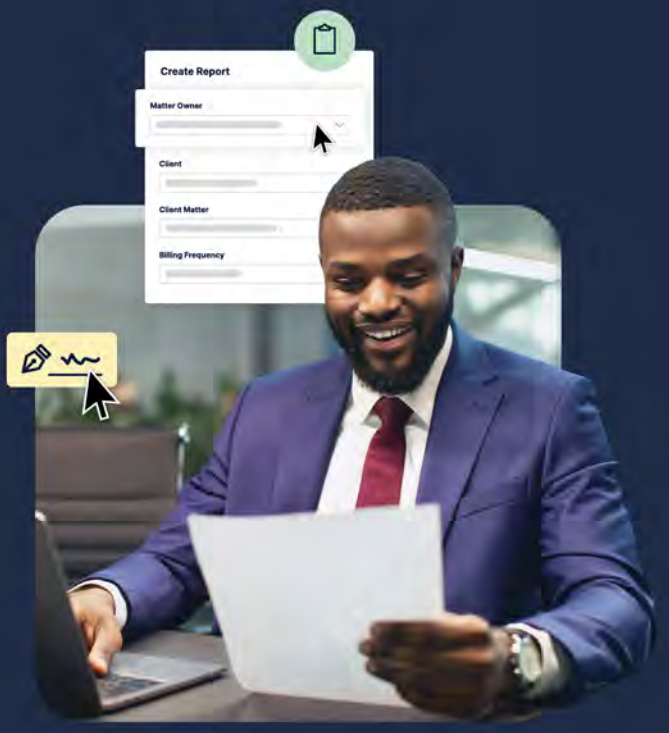

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MONEY JUDGMENT INTEREST RATE

MCL 600.6013 governs how to calculate the interest on a money judgment in a Michigan state court. Interest is calculated at six-month intervals in January and July of each year from when the complaint was filed as is compounded annually.

For a complaint filed after Dec. 31, 1986, the rate as of January 1, 2025, is 4.083%. This rate includes the statutory 1%.

A different rule applies for a complaint filed after June 30, 2002, that is based on a written instrument with its own specific interest rate. The rate is the lesser of:

13% per year, compounded annually; or

The specified rate, if it is fixed — or if it is variable, the variable rate when the complaint was filed if that rate was legal.

For past rates, see https://www.michigan.gov/taxes/interest-rates-for-money-judgments.

As the application of MCL 600.6013 varies depending on the circumstances, you should review the statute carefully.

RECENTLY RELEASED

MICHIGAN LAND TITLE STANDARDS

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The Eighth Supplement (2021) to the 6th Edition of the Michigan Land Title Standards prepared and published by the Land Title Standards Committee of the Real Property Law Section is now available for purchase.

Still need the 6th edition of the Michigan Land Title Standards and the previous supplements? They are also available for purchase.

DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

All Michigan attorneys are reminded of the reporting requirements of **MCR.9120(A)** when a lawyer is convicted of a crime

WHAT TO REPORT:
A lawyer's conviction of any crime, including misdemeanors. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or no contest.

WHO MUST REPORT:
Notice must be given by all of the following:
1. The lawyer who was convicted;
2. The defense attorney who represented the lawyer; and
3. The prosecutor or other authority

WHEN TO REPORT:
Notice must be given by the lawyer, defense attorney, and prosecutor within 14 days after the conviction.

WHERE TO REPORT:
Written notice of a lawyer's conviction must be given to **both**:

Grievance Administrator
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MEMBER SUSPENSION
FOR NONPAYMENT OF DUES

This list of active attorneys who are suspended for nonpayment of their State Bar of Michigan 2023-2024 dues is published on the State Bar's website at michbar.org/generalinfo/pdfs/suspension.pdf.

In accordance with Rule 4 of the Supreme Court's Rules Concerning the State Bar of Michigan, these attorneys are suspended from active membership effective Feb. 15, 2025, and are ineligible to practice law in the state.

For the most current status of each attorney, see our member directory at directory.michbar.org.

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April 2026

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PUBLIC POLICY REPORT

IN THE HALL OF JUSTICE

Proposed Amendments of Rule 6.201 of the Michigan Court Rules (ADM File No. 2021-29) – Discovery (See *Michigan Bar Journal* July/August, p 65).

STATUS: Comment Period Expires 10/01/25; Public Hearing to be Scheduled.

POSITION: Support.

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IN MEMORIAM

JAMES CARL BIERI, P25240, of Detroit, died August 19, 2025. He was born in 1948, graduated from Detroit College of Law, and was admitted to the Bar in 1975.

E. DONALD GOODMAN, P14158, of Royal Oak, died August 11, 2025. He was born in 1932, graduated from Wayne State University Law School, and was admitted to the Bar in 1956.

MARK MCKAY GRAYELL, P37069, of Lathrup Village, died August 18, 2025. He was born in 1956, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1984.

ANITA H. JENKINS, P24524, of Midland, died August 18, 2025. She was born in 1944, graduated from University of Michigan Law School, and was admitted to the Bar in 1974.

DAVID L. KULL, P16293, of Farmington Hills, died August 22, 2025. He was born in 1943, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1968.

PAUL G. MACHESKY, P44040, of Troy, died September 9, 2025. He was born in 1958 and was admitted to the Bar in 1990.

FRED MANN, P17053, of Huntington Woods, died August 30, 2025. He was born in 1945, graduated from University of Michigan Law School, and was admitted to the Bar in 1970.

CHARLES L. MCCARTER, P17282, of Davison, died August 8, 2025. He was born in 1945, graduated from Wayne State University Law School, and was admitted to the Bar in 1970.

ERNESTINE R. MCGLYNN, P27585, of Ann Arbor, died February 26, 2025. She was born in 1937, graduated from Detroit College of Law, and was admitted to the Bar in 1977.

THOMAS M. MCGUIRE, P17432, of Huntington Woods, died August 19, 2025. He was born in 1942, graduated from Wayne State University Law School, and was admitted to the Bar in 1968.

CYRIL MOSCOW, P18009, of Detroit, died April 8, 2025. He was born in 1933, graduated from University of Michigan Law School, and was admitted to the Bar in 1960.

ROBERT L. SEGAR, P20193, of Ann Arbor, died February 26, 2025. He was born in 1935, graduated from University of Michigan Law School, and was admitted to the Bar in 1961.

JAMES D. SMIERTKA, P20608, of Lansing, died August 22, 2025. He was born in 1946, graduated from Detroit College of Law, and was admitted to the Bar in 1973.

ELAINE STYPULA, P60643, of Novi, died July 11, 2025. She was born in 1965, graduated from Wayne State University Law School, and was admitted to the Bar in 2000.

JERRY G. SUTTON, P26155, of Lansing, died January 15, 2025. He was born in 1942, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1976.

CRAIG D. TARPINIAN, P42769, of Troy, died August 15, 2025. He was born in 1960, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1989.

HON. RICHARD WYGONIK, P22591, of Ann Arbor, died July 22, 2025. He was born in 1944, graduated from Wayne State University Law School, and was admitted to the Bar in 1972.

In Memoriam information is published as soon as possible after it is received. To notify us of the passing of a loved one or colleague, please email barjournal@michbar.org.

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NEWS & MOVES

ARRIVALS & PROMOTIONS

GOURI SASHITAL has joined the Detroit office of Ogletree Deakins.

BRIAN K. WEBER has joined the Lansing office of Butzel.

LEADERSHIP

DEBRA GEROUX, with Butzel, is now a Certified Information Privacy Professional/United States.

CARLY A. ZAGAROLI, a partner with Warner Norcross + Judd LLP, has been selected for the Class of 2026 of Leadership Grand Rapids.

NEW OFFICE

PHILLIP HARWOOD has founded Grand Rapids-based Tamarisk Legal Advisors PLLC.

PRESENTATIONS & PUBLICATIONS

CHRISTOPHER CAPOCCIA has introduced The Conflict Counselor podcast on Spotify, Amazon and other platforms. As creator and host, Chris provides tips on how to avoid disputes and navigate conflict in personal and business relationships.

JENNIFER DUKARSKI, with Butzel, will be a featured speaker during the Center for Automotive Research CAR Management Briefing Seminars on Tuesday, September 16, 2025, at the Station at Michigan Central in Detroit.

The **MDTC** 29th Annual Open Golf Tournament will be held September 12, 2025.

REGINALD A. PACIS, with Butzel , was featured during a Detroit Bar Association Lunch and Learn Volunteer Training Series webinar on Tuesday, August 19, 2025, designed for non-immigration lawyers.

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LISA J. HAMAMEH

91ST PRESIDENT OF THE STATE BAR OF MICHIGAN

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It's about giving back

BY MARJORY RAYMER

There is a fierceness about Lisa J. Hamameh. She is funny, self-deprecating, and naturally engaging. She also stands firmly, works hard, and delivers her words with a force that makes others listen. When she's focused, you can see her right eyebrow arch up her forehead and that's when you know that there is no stopping her.

The 91st president of the State Bar of Michigan, Hamameh is the first Palestinian American and the ninth woman to ever lead the bar. She is a fierce advocate, fiercely dependable, and an even fiercer friend.

Hamameh is different. Her less-traveled path wasn't always easy, but she realizes now it is core to who she is and why she does what she does.

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Hamameh's roots lead directly to Taybeh. It sits at the heart of centuries of conflict, nine miles from Jerusalem and seven miles from Ramallah and is the last Christian village in the West Bank. Then known as Ephraim, it is where Jesus sought refuge in the short time between when believers know him to have raised Lazarus and when he returned to Jerusalem, his fate sealed, on Palm Sunday.

Taybeh is where her mother and father were raised, lived, and survived on the same street just a few houses from one another. Neither graduated from high school. Their lives were filled with struggle, but also a deep traditional network of family and community support. Their families were always intertwined, even known to have served as wet nurses for the other.

Hanna Esa Hamameh, which translates into John Jesus Hamameh, came to the United States in 1952, thanks to a window of opportunity opened by his father, who had previously immigrated to the United States and become a citizen. Although his father ended up returning to the homeland at the bequest of his wife, he passed his citizenship to his children.

Hanna Hamameh migrated to the United States and worked a variety of jobs, including a stint at Detroit's famed Silver Cup Bakery, to establish himself. He returned to Palestine to marry, as is custom with arranged marriages, and Jeanette Bishara became his bride in 1958.

He went back to the United States, made the necessary arrangements, and the following year returned to Taybeh to collect his wife and take her to her new life.

He was 25. She was 19. They were a somewhat typical family of immigrants, joining a brother and a few other family members who had already made their way to the United States and settled in Michigan. Hanna and Jeanette then served as the bridge to help other brave brothers, sisters, and cousins who chose to give up everything they had ever known for a chance for something different, something better.

They made their home near the Cathedral of the Most Blessed Sacrament in Detroit. Jeanette Hamameh would sometimes take the bus downtown to eat lunch at Hudson's, maintaining the old ways in the ways she could and dedicating herself to being a good, traditional wife.

Except she wasn't a traditional wife, because a traditional wife should have a traditional family. For more than a decade, the couple struggled to have children. Finally, in 1970, they had their first child, Linda. In 1973, they were blessed with their second child. The doctors said it was a boy. Instead, it was Lisa.

So, it seems, even from the very beginning, Lisa Hamameh has been bucking expectations.

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Hanna Esa Hamameh died on July 27, 1977, leaving behind his wife and two daughters, ages 7 and 4. The family was left with no life insurance and no source of income. Crime had started to seep into their neighborhood. Although they had little left, their home became a target.

Her mother became the matriarch and the breadwinner. At first, she worked in the office of an uncle, who was a pediatrician, but having her mom so far away terrified young Lisa, who would cry inconsolably when her mother left.

The now-untraditional family depended on their church, their family, and government assistance. Lisa Hamameh looks back and knows it doesn't all add up. Their needs far outstretched their resources, and yet they made it.

Within a year, the trio of Hamamehs left Detroit proper and set up home in federally subsidized housing up I-94 in Roseville. To pacify her younger daughter, Jeanette Hamameh took a job across the street at a Fashion Bug, earning $11,000 a year before retiring from the now defunct retail chain.

"To this day, I don't know how she did it," Lisa Hamameh said, both sadness and awe tingeing her voice.

Trying to give her daughters the best opportunity possible, Jeanette Hamameh talked to the local priest about getting a discount for the girls go to St. Angela Catholic School. He asked how much she made and told her that wasn't enough to live on, much less pay for school. The girls enrolled in St. Angela tuition-free, attending elementary and middle school there. Lisa Hamameh began to learn the power of an education and, surrounded by families who could afford private school, she quickly learned that her family was poor.

Hamameh family photo circa 1976. Clockwise from top left: Hanna, Jeannette, Lisa and Linda.

Teenage Lisa wanted to fit in, but her family couldn't afford Benetton jackets and other brand names like the rest of the families. She did have one pair of Guess jeans, though. Years later, her mom admitted that she found a pair of Guess Jeans at a Salvation Army, painstakingly cut off all the Guess labels and sewed them onto a new pair of jeans they could afford so that Lisa, too, could have a pair of the trendy denim.

At 15, Lisa got her first job. She worked at a fruit market as a cashier. Still in high school, she soon was promoted to head cashier, where she found herself hiring and firing her classmates. About a year later, she was promoted into the office, handling all the businesses's money and finances. She borrowed $2,000 from her uncle to buy a car and paid him $100 a month until she paid it off.

As high school started drawing to a close, Lisa made plans for college, just like her classmates. She enrolled at Central Michigan University and even had her roommates lined up.

Then, reality hit.

She didn't have the money to go away to school. She was devastated. Instead, she stayed home and took a few classes at Wayne State University. The responsible overachiever started hanging with a "bad crowd" and spiraled that first semester. It scared her.

"I needed to do something drastic. I literally packed up my car with everything I owned and moved to Texas," Hamameh said. She stayed with family, worked at a local Kroger, and broke off her old ties.

She knew she wanted more out of life.

"I pulled myself out of the situation I was in," Lisa said. She returned home and returned to her job at the fruit market. She continued her studies at Wayne State and made a discovery that changed the trajectory of her life: federal student loans.

The opportunity for a student loan meant Lisa Hamameh finally knew that she would be able to afford to finish her undergrad, and she realized she could do even more. She could go anywhere and do anything any of her rich friends could do. For the first time, she could pursue her dreams.

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Hamameh was drawn to criminal justice courses and thought maybe she'd become a probation officer. A year or so from graduation, she started seriously considering law school.

She consulted with a family friend, who was also a law school professor. He reviewed her LSAT score and grade point. His advice: Forget it; you will never get into law school. Her mother, always a traditionalist, was also less than enthusiastic about her daughter entering a profession that didn't really seem like a job for a woman.

Well, that's all it took for Lisa to raise that right eyebrow and make damn sure she went to law school.

Indeed, Hamameh graduated with her bachelor's in criminal justice in 1996, started at Wayne State University Law School the following year, earned her juris doctor in 2000, and joined the State Bar of Michigan the same year — successfully overcoming every challenge to become the first woman lawyer in her family.

She flourished in her practice — moving from Adkison, Need & Allen to Foster Swift Collins & Smith before joining Rosati, Schultz, Joppich & Amtsbuechler as a shareholder. She specializes in municipal law and serves as city attorney for Berkley, South Lyon, White Lake Township, Highland Township, and Holly Township.

Throughout her career, she has also worked steadfastly to give back.

Her volunteer work is extensive, but she talks about it only when prompted and usually accompanied by a funny, self-deprecating story, like how she is qualified to color with kids at the Children's Hospital of Michigan or how she learned what a shim is by working with Habitat for Humanity.

In addition to her work with the State Bar of Michigan, Hamameh also serves on the Michigan Supreme Court's Commission on Well-Being in the Law, Michigan State Bar Foundation Board of Directors, and Oakland County Bar Foundation Board of Trustees. She is an active member of the Oakland County Bar Association, the American Bar Association, and the Michigan Association of Municipal Attorneys.

She also has volunteered her time judging various moot court and mock trial competitions as well as speaking to students about the legal profession. Outside the legal sphere, her volunteer efforts include the Susan G. Komen 3-Day, Fight for Air Climb, Capuchin Soup Kitchen, Lighthouse of Oakland County, and many other local programs.

And, still, she worries she isn't doing enough.

To this day, she remains keenly aware her life could have gone much differently and that many others weren't as lucky. She had help when she needed it. She found a path out of poverty. She achieved her parents' American dream.

She doesn't give back simply because she wants to; she is inherently driven to, like a debt that she keeps trying to pay back. She guffaws when asked if she thinks she's been lucky, preposterous to her that the question would even need to be asked. "Lucky? I am blessed. I am so blessed."

Lisa Hamameh after receiving her Juris Doctor from Wayne State University Law School in 2000.

Her drive to give back, combined with a tendency toward perfectionism, is something that Hamameh knows is common among attorneys and can, if not kept measured, become overwhelming. Hamameh actively works to keep perspective these days. It's part of her commitment to promoting attorney well-being both personally and professionally, but it also is the product of seeing life a little bit differently after surviving two brain surgeries.

It all started simply enough: She lost her sense of smell. It was 2018, and Covid hadn't even started to make international headlines, so it all seemed innocuous enough. An oddity that was inconvenient, but also funny. After Googling possible causes and seeing a brain tumor listed, she and friends started an ongoing joke blaming the tumor for any little mistake or misstep. It took months before she finally was able to see a neurologist, who ordered an MRI. She has one of those healthcare communication apps, so with a simple ding of her phone she saw the unthinkable: a 5.6 by 5.3 cm brain tumor.

Lisa Hamameh delivers her inaugural address September 19, 2025 at Detroit Marriott-Troy

"Seek consultation with a neurosurgeon immediately."

Weeks of uncertainty, consultations, and frustration with the medical system followed. Oddly, one of the side effects of the tumor was that it temporarily reduced her emotional reactivity. She went about getting her trust together and made arrangements. Looking back, it devastates her to know that her convenient ability to withdraw came at the same time her family and loved ones were dealing with the full emotional rollercoaster and she wasn't there for them in the way they needed her.

On January 30, 2019, Lisa had her first brain surgery. The tumor was a benign meningioma, a slow-growing, noncancerous tumor that grows from the protective membrane covering the brain. Hers was located in the olfactory region, permanently damaging her sense of smell.

Hamameh, determined as ever, decided to fast-track her recovery because she still wanted to be able to give a planned speech at the Michigan Townships Association conference just eight weeks later. She did, of course.

In 2023, doctors discovered that small pieces of the tumor had been left after the surgery. Two spots were growing and compromising her optic nerve and her vision. A more intense brain surgery followed, if the intensity of such things can be measured. Doctors were able to remove key remaining pieces of the tumor, but there was one piece they couldn't reach. It's small and they are still monitoring it, but it isn't reason for concern, Hamameh said.

Then vice president for the State Bar of Michigan Board of Commissioners, Hamameh was back taking meetings within a month of the surgery. Most people never knew it even happened. She knows, though, that the surgeries helped her to become a better person and a better attorney.

"I think the surgeries really helped put perspective into my life," Hamameh said.

It helped push her to actively prioritize her well-being, to seek a balance in her life, to keep the pressure that she puts on herself in check, and to make the issue of attorney well-being one of her top priorities as president.

At her inauguration on September 19, 2025, Hamameh outlined her top three priorities:

- To urge attorneys to remember why they chose this path and to recommit to their role as defenders of the rule of law.
- To unabashedly call out the all-too-prevalent stigma surrounding mental health and personal well-being in the legal profession.
- To raise awareness about the depth and complexity of the services offered to Michigan attorneys by the State Bar of Michigan.

"The oath we took before we began the practice of law is not just ceremonial. It is a solemn promise to protect the rule of law, to defend the rights and liberties of all people, and to promote justice — not just in words, but in action," Hamameh said.

Michigan Supreme Court Chief Justice Megan Cavanagh, a fellow Wayne State Law alumna, administered the oath of office to Hamameh. Friends from high school, law school, townships she serves, past coworkers, attorneys from every corner of Michigan and family packed the room.

Even at 5-foot-3, Hamameh can loom large, even in a crowd. Her passion and personal drive captivated the room as she delivered her inaugural address. Few people really know, or at least knew, the story behind Hamameh. Her honesty and the raw power of her words left people in awe.

"This life experience is core to who I am and it is the foundation of my compassion and understanding of the plight of others and my desire to give back. This life experience is why I stand here as your president of the State Bar of Michigan," Hamameh said. "I believe in the power of this profession. I believe in the good that lawyers can do. And, I believe that together, we can leave our profession — and our society — better than we found it."

Her eyebrow was raised, and everyone knew that this woman — who bucked tradition, overcame poverty, worked her way through undergrad and law school, and built this life for herself — is one of a kind. She is a trailblazer. She is an attorney and a leader, but different.

Wonderfully, inspiringly — fiercely — different.

Marjory Raymer is director of communications for the State Bar of Michigan.

CONGRATULATIONS
LISA J. HAMAMEH

on becoming the
91st President of the
State Bar of Michigan

This achievement is a reflection of your tireless dedication to the practice of law, and of your integrity, professionalism, and distinguished service to your clients.

From your friends and colleagues at RSJA.

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Seeing people as people

NICOLE EVANS SWORN IN AS 2025-2026 REPRESENTATIVE ASSEMBLY CHAIR

BY SCOTT ATKINSON

Nicole Evans was working at the counter as a deputy clerk at 54-B District Court when she began to form her philosophy of what a court should be.

She was years away from being a lawyer — and, in fact, had no intention of becoming one. But her experience at the counter gave her a front-row seat to witness just how scary and intimidating it could be for a member of the public to enter a courthouse. As a deputy clerk, she did what she could to make sure the court was a place where, no matter who entered, they were treated with dignity and respect.

"We just need to give our court users the best service possible, however possible," Evans, now court administrator for 54-B, said she often tells her staff. "There's nothing that prevents us from being friendly, from giving the best service."

That mission, combined with a fierce dedication to access to justice,

is one she can now spread even further.

On Sept. 19, 2025, Evans was sworn in as chair of the State Bar of Michigan's Representative Assembly by Court of Appeals Judge Kristina Robinson Garrett.

As chair, Evans said she plans to continue her commitment to providing the public with the best service possible. She plans to do that by focusing on access to justice efforts, addressing Michigan's legal deserts, and increasing attorney awareness of the RA.

As a court administrator, Evans works in the courthouse every day, which gives her a unique perspective as an attorney that she said will help her as RA chair.

"I want to use my experience as a court administrator to move the court into a place of service. I want to use available technology to allow our users to have an informed experience and not be afraid, because now they're engaging with court staff who are here to assist them as opposed to people who are going to place judgment," she said.

Using technology to expand access to justice is nothing new for Evans, who was instrumental in utilizing technology to ensure that 54-B District Court was able to adapt to the needs of the COVID-19 pandemic. She's also used technology to implement the court's virtual counter, coordinate a virtual expungement clinic and provide judicial access at local license restoration clinics.

Beyond her experience as a court administrator, Evans has held several positions within the court that have given her an even deeper view into the legal system.

After serving for several years as deputy court clerk, she served as a probation officer and then as chief probation officer. Evans also served as city clerk for the city of East Lansing before returning to 54-B as its deputy court administrator.

Beyond her professional life, she is also a member of the Michigan Court Administrators Association, National Association of Court Management, American Inns of Court Women Lawyers Association of Michigan, the Ingham County Bar Association, Black Women Lawyers Association of Michigan, and the Davis-Dunnings Bar Association. She also is a pro bono attorney and volunteers for several community organizations.

Not too shabby for someone who never thought they'd go to law school.

That decision came about from the same commitment that has motivated every advancement in her career: "I felt I could do more," she said.

She knew what was next. It didn't feel so much like a decision but rather like the "logical next step," she said.

As a probation officer, she could see the system from both a prosecutorial and defense perspective.

"You're going before the judge, and you're providing arguments for and against the defendant whether they're represented or not," she said.

"I remember where I was when it hit me" she said.
She was driving back to work from lunch one day when she drove by Thomas M. Cooley Law School.

Then it happened.

"Oh, my gosh," she said to herself. "I'm going to go to law school."

She described it not so much as a decision, but a realization.

"It was more of an 'Oh, crap' moment than an "aha" moment or some sweet epiphany," she said. "That's because I thought I was done with my educational pursuits after receiving my master's degree. I didn't go looking to go to law school or become a lawyer. I felt like it came looking for me."

She attended night classes at Thomas M. Cooley Law School. After passing the bar exam, she was sworn in by former Judge Richard D. Ball, who served as her mentor at 54-B District Court and had hired her as chief probation officer. She became a member of the State Bar of Michigan in 2011.

She first became involved in the RA in 2018 "purely by happenstance" after a lawyer friend told her about it. Until then, she hadn't been aware of what the RA did.

She calls the RA the "best kept secret" in the legal profession and wants to urge other Michigan attorneys to get involved.

"Attorneys don't realize how much is happening with the RA and how much impact they can have on the legal profession if they are part of it," she said.

Scott Atkinson is editor for the State Bar of Michigan.

A time to honor our best

2025 STATE BAR OF MICHIGAN AWARDS

BY KATE TOWNLEY AND SCOTT ATKINSON

Attorneys from throughout Michigan gathered Sept. 29, 2025, at the Detroit Marriott Troy to witness the swearing-in of the State Bar of Michigan's 91st president, Lisa J. Hamameh, and to see the 10 individuals honored with the Bar's highest honors.

Presented annually, the State Bar of Michigan's awards recognize Michigan attorneys, and one non-attorney, for their distinguished service, commitment to justice, and dedication to upholding the rule of law.

Read on to learn more about the attorneys honored this year for their efforts toward increasing access to justice, pro bono work, community outreach, educating future lawyers, and more.

ROBERTS P. HUDSON AWARD
VALERIE NEWMAN

Valerie Newman, founder and director of the Wayne County Prosecutor's Office Conviction Integrity Unit, is being honored with the Roberts P. Hudson Award, the highest accolade bestowed by the State Bar of Michigan.

With more than three decades of service, Newman has been a beacon of excellence in the legal profession and a tireless advocate for justice. Newman served as an attorney for the State Appellate Defender Office (SADO) for 23 years, arguing hundreds of cases in Michigan and federal courts and handling innocence cases, including the high-profile cases of Thomas Highers and Davontae Sanford, who were freed after serving many years for crimes they did not commit. While with SADO, she also argued twice before the U.S. Supreme Court, where she won a landmark victory in Lafler v. Cooper, a case that advanced the constitutional rights of defendants nationwide.

In 2017, Newman was hired as director of the newly created Conviction Integrity Unit of the Wayne County Prosecutor's Office. There Newman continues to work to strengthen the criminal justice system by investigating claims of wrongful conviction and recommending relief where warranted. Since its inception, the CIU has received more than 2,300 requests for investigation, reviewed over 1,000 cases, and helped 43 wrongfully convicted individuals, most of whom were serving mandatory life sentences. Through her role at the CIU, Newman also works to raise awareness about wrongful convictions and systemic changes to prevent them.

Newman has also served on numerous committees and task forces with the State Bar of Michigan. One such position was co-chairing the Task Force on Eyewitness Identification Issues, where the group's work resulted in law enforcement and prosecutors adopting significant reforms for conducting identifications and making charging decisions. She was appointed to the State Bar of Michigan Board of Commissioners by the Michigan Supreme Court, serving from 2020 – 2024.

Newman's contributions extend far beyond the courtroom. She was an adjunct professor at the University of Michigan Law School for fifteen years and created the Conviction Integrity Clinic at the University of Detroit Mercy Law School, where she currently teaches as an adjunct. She has also been a regularly featured speaker at conferences, law schools, and community groups.

For Newman's continued generosity, selflessness, and excellence in and beyond the courtroom, the State Bar of Michigan is proud to bestow her with the Roberts P. Hudson Award.

FRANK J. KELLEY DISTINGUISHED PUBLIC SERVICE AWARD
ELIZABETH POLLARD HINES

Elizabeth Pollard Hines is the winner of this year's Frank J. Kelley Distinguished Public Service Award. The award recognizes long-term, unwavering commitment to public service.

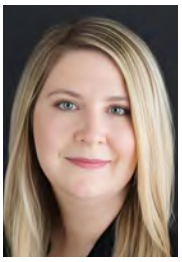
At every stage in her career, Hines has employed her gifts of empathy, intelligence, and determination to improve the conditions of the most vulnerable. As a mentor and leader, she has inspired many others to do the same.

Hines served as judge for the 15th District Court in Ann Arbor for 28 years, prior to her retirement in 2020. Before her time on the bench, she served as a prosecutor for 15 years, specializing in child protection cases and crimes against children. She served as chair of the Michigan Domestic and Sexual Violence Prevention and Treatment Board and serves on the 21st Century Practice Task Force. In 2018, Hines was chosen by the National Center for State Courts to receive the William H. Rehnquist Award for Judicial Excellence.

Hines helped create and launch the Street Outreach Court, a community project of the Washtenaw County criminal justice system, which offered those experiencing or at risk of homelessness opportunities to resolve civil and criminal infractions, working to address the root causes of their homelessness and criminal history.

To honor her lasting impact, the American Judges Association established an award in her name, the Judge Libby Hines Award, which annually recognizes one judge in the United States or Canada who has made a significant positive difference in the judicial response to domestic violence.

CHAMPION OF JUSTICE AWARD
KEELEY D. BLANCHARD



Keeley D. Blanchard, a highly regarded criminal defense attorney who has helped thousands of Michigan's most vulnerable citizens, is a winner of this year's Champion of Justice Award.

Blanchard serves as administrator of the Michigan Appellate Assigned Counsel System, a role in which she oversees a roster of approximately 150 assigned appellate attorneys, ensuring that they meet all standards for representation. Her selection was shaped not only by her experience but also by her deep commitment to public defense.

Blanchard has developed and provided training to public defenders and assigned counsel statewide. Successfully bidding through the Michigan Indigent Defense Commission's Byrne Justice Assistance Grant, she developed the Trial Skills Simulation program in 2019 and has since trained hundreds of attorneys. Currently, 25-30 faculty members currently staff the courses she developed, which have client-centered values at their core, including voir dire, closing arguments, and sentencing.

Over the years she has spent transforming public defense education, she has continued to evolve to meet the needs of trainees and their clients. The success of the program and the grant funds awarded year after year for the continuation of the training is a direct result of Blanchard's work.

From her nearly two decades of work as a trial lawyer to the development and instruction of training, offered for free to public defenders and assigned counsel statewide, Blanchard has made a substantial difference in driving excellence and equity in Michigan's public defense system.

CHAMPION OF JUSTICE AWARD
ZENELL B. BROWN

As a result of her continuing impact at both the local and national level, Zenell B. Brown is being honored as a winner of the 2025 Champion of Justice Award.

Brown has made a profound and enduring impact through her leadership in judicial administration, inclusion, and access to justice initiatives. Her work has influenced best practices in court administration, ensuring that the legal system is fairer, more efficient, and more accessible to all individuals.

Brown serves as the Region 1 Administrator for the State Court Administrative Office and previously served as the Wayne County Circuit Court's Executive Court Administrator. She spearheaded the creation of a comprehensive inclusive workforce and court user framework for Michigan's courts. At the Wayne County Circuit Court, she promoted court outreach and engagement to provide resources to litigants and to develop community partnerships to create holistic and workable solutions for court users.

Throughout her legal career, Brown has worn many hats. She began as a paralegal and has served as the Court Administrator for one of the nation's busiest trial courts. After 26 years, Brown retired, but only briefly. She came out of retirement just five months later to become a Regional Administrator with the Michigan State Court Administrative Office. She teaches court leadership, workforce excellence, and strategic vision and planning. This role has allowed her to work with district, circuit, probate, and municipal court judges and administrators across the Wayne County area on various administrative topics

CHAMPION OF JUSTICE AWARD
ROSHUNDRA GRAHAM-SIMMONS

Roshundra Graham-Simmons has dedicated more than 21 years to public service and Michigan's youth, earning her the honor of being a winner of this year's Champion of Justice Award.

Throughout her career, Graham-Simmons has worked to ensure that Michigan's child welfare litigation is handled with integrity, legal precision, and fairness, safeguarding children while upholding the rule of law.

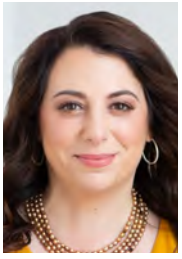
As Litigation Section Head of the Children and Youth Services Division within the Michigan Department of Attorney General, she assists with the oversight of more than 3,000 child abuse and neglect cases annually. Her impartial approach in these sensitive cases demonstrates her continued commitment to fairness.

Her leadership in child welfare litigation has resulted in more rigorous legal strategies, policy improvements, and advocacy efforts that have led to better outcomes for Michigan's most vulnerable children. Additionally, she has contributed to the development of statewide training programs for Assistant Attorneys General, Michigan Department of Health and Human Services staff, and child advocates to ensure that all justice stakeholders are equipped with the knowledge and skills necessary to handle abuse and neglect cases effectively.

Graham-Simmons is deeply engaged in legal and community service. She has previously served as a lawyer guardian ad litem, providing a voice for children in court proceedings. She has previously offered pro bono legal services through organizations such as the Washtenaw County Public Defender's Office and has dedicated herself to child protective services work within the Michigan Department of Health and Human Services.

Graham-Simmons serves on key legal committees such as the Wayne County Protocol Workgroup, the Kids Talk Protocol Workgroup, and the Unsecured Weapons Workgroup.

CHAMPION OF JUSTICE AWARD
MARLA LINDERMAN RICHELEW



Marla Linderman Richelew has earned a reputation for sharing ideas and helping solve novel legal issues as they arise. She is a winner of 2025 Champion of Justice Award.

Linderman Richelew serves as the Assistant Attorney General Appellate Specialist in Civil Rights and Election Law. She exemplified this through her leadership during the COVID-19 pandemic, when she was quick to step up and assist other lawyers with how to operate and keep people safe and informed about COVID-19.

One colleague called her a "lawyer's lawyer," who helped firms reopen safely "while also protecting their most vulnerable clients."

Linderman Richelew also partnered with now-Michigan Supreme Court Justice Elizabeth M. Welch to conduct seminars throughout Michigan to educate others about COVID-19 and unemployment laws. From Traverse City to Detroit, she has donated hundreds of hours of her time to help Michiganders, lawyers, and businesses.

She has written numerous articles and provided a Thomson Reuters internationally accredited seminar. Throughout her career, she has served as Co-Chair of the Federal Bar Association's Pro Bono Committee, President of the Women Lawyers Association of Michigan, member of the Representative Assembly, and on various other State Bar of Michigan sections, committees, and task forces.

Linderman Richelew frequently speaks on issues relating to civil rights, business, civil procedure, and constitutional law. She is a former professor of law and a published author for the Institute of Continuing Legal Education, Michigan Lawyers Weekly, and Westlaw.

KIMBERLY M. CAHILL BAR LEADERSHIP AWARD
TANISHA M. DAVIS

Tanisha M. Davis is the recipient of this year's Kimberly M. Cahill Bar Leadership Award.

Davis is a trailblazer in Michigan's legal community, recognized for her commitment to uplifting future lawyers, innovating legal practice, and expanding justice for underserved populations. As an attorney and advocate, she not only represents her clients but also serves the broader community through mentorship, outreach, and reform.

She leads her own firm, Tanisha M. Davis, Attorney at Law PLLC, where she focuses on family law, business law, and probate and estate planning. Davis has held leadership roles in the State Bar's Solo and Small Firm Section, the D. Augustus Straker Bar Association, the Black Women Lawyers Association of Michigan, and the Family Law Council.

She has been a vocal leader in promoting diversity, equity, and inclusion across the legal profession, including organizing the Minority Corporate Counsel Forum and a joint fireside chat to elevate DEI conversations. During her presidency of the Straker Bar Association, she helped revitalize fundraising efforts — most notably launching the organization's first-ever Masquerade Ball, which brought new visibility and sustainability to Straker's mission.

As founder & CEO of Kounsel Konnect, an early stage mobile app start up connecting attorneys for courtroom coverage, she promotes efficiency, collaboration, and professionalism in legal practice.

Through her nonprofit, Systems Unplugged Inc., Davis works to educate youth about the legal system and expand access to justice. She also contributes to expungement fairs, driver's license restoration clinics, and legal services for survivors of domestic abuse through her community outreach efforts.

JOHN W. REED MICHIGAN LAWYER LEGACY AWARD
JOHN E. MOGK

John E. Mogk, distinguished service professor of law at Wayne State University Law School, is the winner of the John W. Reed Michigan Lawyer Legacy Award.

Through more than five decades of service, Mogk has dedicated time and effort to educate and motivate students and advocate for lawyers to assist and make a difference in their communities. His work includes research, teaching, and engagement in the field of urban law, policy on economic development, neighborhood rehabilitation, and intergovernmental cooperation. Mogk is one of the university's longest-serving faculty members, having taught since 1968. Over the years, he has received numerous awards and has been recognized by students as an outstanding professor six different times.

Beyond the classroom, he has had various public service accomplishments and publications rooted in Detroit, including serving as chair for both the Jefferson-Chalmers Citizens' District Council and Habitat for Humanity Detroit, and was vice chairman of the Michigan Construction Code Commission.

Former governor William Milliken appointed Mogk to the Detroit Public Schools Community District Board of Education, where he created the district's breakfast program and, after a federal court found that Detroit school authorities had engaged in historical discrimination against Black children, was actively involved in designing a remedial desegregation plan.

Mogk's leadership, including two decades as the head of the Michigan Energy and Resource Research Association, has led to hundreds of millions of dollars in funding in Detroit and throughout Michigan for everything from energy research to high-tech development. As chairman of the state's Council on Energy, Labor and Economic Growth, he helped lay the foundation for expanded renewable energy in Michigan.

LIBERTY BELL AWARD
ROBERT GAISER

Robert Gaiser is the winner of the 2025 State Bar of Michigan Liberty Bell Award.

Since joining the Caro Police Department in July 2016, Gaiser has served with unwavering dedication, especially in his role over the past three years as School Resource Officer for Caro Community Schools. He has gone above and beyond in this role, not only enforcing safety protocols but also becoming a mentor, advocate, and a guiding presence for students and families.

Gaiser founded the Tuscola County School Safety Teaam, a coalition of school administrators, law enforcement, court staff, and community partners for which he continues to serve as its president. This safety team focuses on "handle with care" alerts, juvenile law reforms, street drug awareness, swatting threats, and AI challenges that involve criminal behavior. The group focuses on implementing safety responses. He has also implemented a diversion restorative practice program within the Caro district that offers first-time juvenile offenders a second chance by engaging them in mentoring and community service, instead of going through the court system. This program served over two dozen youths in 2024. Due to the program's success, it is being modeled countywide under his leadership.

As an integral member of the Tuscola County Juvenile Justice Team, Gaiser was a leading voice in helping adapt to sweeping juvenile justice reforms in 2024. His fellow officers describe him as a natural leader, a straight shooter, and a person committed to doing the job for all the right reasons.

JOHN W. CUMMISKEY PRO BONO AWARD
KATHALEEN M. SMITH

Kathaleen M. Smith is the winner of this year's John W. Cummiskey Pro Bono Award, which recognizes a Michigan lawyer who has made a significant pro bono contribution.

Smith began her 25-year legal career at Dow Corning Corporation in Midland, Michigan. She was a paralegal at Dow Corning and joined the Legal Department as an attorney after attending Western Michigan University's Cooley Law School as a non-traditional student. After a corporate merger and downsizing, she began work at the Underground Railroad domestic violence shelter in Saginaw, which provides services for survivors of domestic violence, stalking, sexual assault, and human trafficking.

During her time at the Underground Railroad, she worked full-time as the sole attorney, assisting clients with divorce, custody, and domestic violence issues. This work sparked her passion for helping underserved populations navigate the legal system.

From 2016-2020, Smith served on the Saginaw County Bar Association Pro Bono Committee. Following her retirement in 2020, she volunteered for two Clean Slate Clinics, helping individuals expunge eligible criminal records, offering them a fresh start by removing barriers to employment, housing, and other opportunities. In 2023, Smith played an instrumental role in developing Legal Services of Eastern Michigan's DIY Divorce Clinic, where she assisted and represented several people.

In retirement, she continues to volunteer for Legal Services of Eastern Michigan, where she combines her passion for helping underserved populations with a long-developed legal skillset. In recognition of decades of pro bono contribution, Smith is being honored with this award.

HOT TOPICS

Significant Michigan Supreme Court ruling in employment law: Will this spill over to other agreements?

BY GERARD V. MANTESE AND TANYA J. T. CANDIDO

In 2005, the Michigan Supreme Court issued a decision marking a significant point in Michigan jurisprudence. *Rory v Cont'l Ins Co* held that freedom of contract principles preclude courts from conducting their "own independent assessment of 'reasonableness.'"[1] Unless contractual provisions explicitly violated public policy or the law, *Rory* held that contract provisions were to be upheld.[2]

In *Rory*, an insured brought an action for uninsured motorist benefits under an automobile insurance policy.[3] However, the policy required that claims "must be brought within 1 year from the date of the accident."[4] While the court of appeals agreed with the trial court that a one-year period of limitations was unreasonable and that the statutory three year period should apply, the Michigan Supreme Court reversed. In emphatic language, the Court held that "an unambiguous contractual provision providing for a shortened period of limitations is to be enforced as written unless the provision would violate law or public policy."[5] The Court also held "[t]o the degree that *Tom Thomas, Camelot*, and their progeny abrogate unambiguous contractual terms on the basis of reasonableness determinations, they are overruled."[6]

The Court then turned to the trial court's conclusion that the policy was an adhesion contract, and therefore unenforceable. Here, too, the *Rory* Court was emphatic, holding, "[a] party may avoid enforcement of an 'adhesive' contract only by establishing one of the traditional contract defenses, such as fraud, duress, unconscionability, or waiver."[7]

Finally, the Court in *Rory* held:

> [I]t is of no legal relevance that a contract is or is not described as 'adhesive.' In either case, the contract is to be enforced according to its plain language. Regardless of whether a contract is adhesive, a court may not revise or void the unambiguous language of the agreement to achieve a result that it views as fairer or more reasonable.[8]

This case ushered in an era that sometimes became known as textualism, where unambiguous contracts were to be enforced as written. *Rory* indicated that "formalist concepts still have a place in modern contract law and jurisprudence" rejecting a "judge-made reasonableness limitation on notice of claims in the face of an unambiguous term."[9]

This case was followed one day later with *Devillers v Auto Club Insurance Association*, in which the Michigan Supreme Court held that statutes are likewise to be enforced as written, absent a constitutional infirmity in the statute.[10] There, the plaintiff had argued that the statutory provision that claims for certain benefits could not be pursued unless suit was filed within one year was subject to tolling, if the facts of a case demonstrated that fairness required such.[11] Yet the Michigan Supreme Court held, "[t]he one-year-back rule of MCL 500.3145(1) must be enforced by the courts of this state as our Legislature has written it, not as the judiciary would have had it written."[12]

THE HOLDING IN *RAYFORD*: A NEW ERA

Twenty years later, the tide has seemingly turned. In *Rayford v American House Roseville, I, LLC*, the plaintiff, after beginning employment, was asked to sign a handbook including a clause that said that employment claims must be filed within 180 days.[13] The plaintiff was dismissed from her position for various reasons and just under three years later, brought a claim alleging civil rights violations under MCL 37.2101.[14] In the Michigan Supreme Court, the plaintiff argued that this clause was an adhesion contract (a take-it-or-leave-it contract that gave no realistic alternative) and was unconscionable.[15] On both

Hot Topics is a new Michigan Bar Journal column edited by Gerard V. Mantese, and dedicated to significant and recent developments in the law. To contribute an article, contact Mr. Mantese at gmantese@manteselaw.com.

claims, the Court held that these were potentially viable defenses to enforcement of the limitation provision and remanded.[16]

Before ruling in favor of the plaintiff, the Court acknowledged *Rory's* teaching that, "[w]hen a court abrogates unambiguous contractual provisions based on its own independent assessment of 'reasonableness,' the court undermines the parties' freedom of contract."[17] However, the Court went on to hold the language in *Rory* to be nonbinding dicta because that Court was not purporting to adjudicate the enforceability of shortened limitations periods in employment agreements.[18] Michigan Supreme Court Chief Justice Megan Cavanagh's concurring opinion took issue with the majority's nonbinding dicta holding, explaining persuasively that the language in *Rory* was not dicta but rather applicable to all agreements.[19] In all other respects, Justice Cavanagh agreed with the majority.

In a robust decision, the 5-person majority in *Rayford* held that, "[e]very law student is taught that an adhesion contract can be problematic."[20] It defined an adhesion contract as a "standard-form contract prepared by one party, to be signed by another party in a weaker position, usu. a consumer, who must essentially either accede (adhere) to the terms or not have a contract at all."[21] In breathing new life to the adhesion contract defense, the Court stated, "[t]he focus of the analysis concerns the power dynamics of the two parties, with the stronger of the two using their advantage to impose their will on the weaker one. We have used our equitable powers to prevent abusive contractual practices."[22]

THE NEW REASONABLENESS TEST AND UNCONSCIONABILITY

In *Camelot*, the Michigan Supreme Court had earlier agreed with the court of appeals that "Michigan's general statutory limitation provision does not prohibit shorter contractual limitations," and that any contractually shortened limitation must be *reasonable*.[23] Given the reestablishing of *Camelot* by the *Rayford* Court, trial courts now must review a contractually shortened limitations period by requiring: "[1] that the claimant have sufficient opportunity to investigate and file an action, [2] that the time not be so short as to work a practical abrogation of the right of action, and [3] that the action not be barred before the loss or damage can be ascertained."[24]

The Court also clarified that traditional contract defenses, such as unconscionability, are also available defenses to avoid a contractual limitations provision.[25] One can argue that this case brings Michigan in alignment with extensive jurisprudence in other states. The Court in *Rayford* further held, "[i]ndeed, reviewing contractual provisions for reasonableness is the common rule in other jurisdictions–not the one-off, unworkable standard that the dissent makes it out to be."[26]

In turning to this second viable defense, unconscionability, the Court breathed new life into this doctrine:

> Our Court's concern with the power dynamics in contract negotiations is not a new phenomenon. More than 145 years ago, this Court explained that [p]arties may make and carry out any agreement they please which does not affect the public or the rights of third persons, but in case of dispute they must not expect the courts to enforce any unconscionable bargain they may have thought proper to make.[27]

The Court continued,"[i]n other words, in order for a contract to be unconscionable, it must be procedurally and substantively unconscionable."[28] "Procedural unconscionability exists when a weaker party has no 'realistic alternative' but to accept the term," and "[s]ubstantive unconscionability requires courts to analyze the reasonableness of the challenged term. A contract provision is substantively unreasonable if the inequity shock[s] the conscience."[29] The Court thus remanded the case to the trial court to determine "the reasonableness of the shortened limitations period and whether the provision is unconscionable."[30]

For years, Michigan employers have relied on standard employment applications, contracts, and handbook acknowledgments to impose 180-day limitations periods—well short of the statutory defaults (often three years). These provisions have been regularly upheld by the courts, until *Rayford*.

AUTOMATIC ENFORCEMENT NO LONGER GUARANTEED

Now, after *Rayford*, while employers and employees may still agree to shortened limitation periods, those provisions are no longer presumed enforceable—particularly when found in non-negotiated, boilerplate employment documents.[31] The Court held that such contracts must undergo a fact-specific reasonableness analysis before being enforced, where unconscionability may also be used as a defense.[32] This decision expressly overruled prior precedent, including *Clark v DaimlerChrysler* and *Timko v Oakwood Custom Coating*, which had upheld six-month limitation clauses without requiring a contextual or individualized review.[33]

Dave Kotzian, Esq., an accomplished employment attorney, commenting on *Rayford*, stated that some restrictions on an employer's ability to shorten the limitation periods for employment claims are necessary to preserve the protections established in Michigan's employment civil rights laws.[34] However, he believes that both employers and employees would benefit from certainty as to what the limitation periods are, instead of litigating reasonableness on a case-by-case basis.[35] Indeed, he argues that in the absence of such bright lines, the Court should have ruled that shortened limitation periods for statutory employment claims are void as being contrary to the public policies expressed in such statutes.[36]

Another accomplished employment attorney, Deborah Brouwer, Esq., weighed in and noted that while the *Rayford* Court emphasized that it was not holding that six-month limitation periods in employment cases were per se unreasonable, but are rather subject to a case-by-case analysis, the decision seemed to signal that in most cases, this Court would find exactly that.[37] She posited that this issue is no longer going to be resolved on pre-discovery motions to dismiss, as

trial courts will have to sort through the analysis now required: is the agreement an adhesion contract? If so, what level of scrutiny should be applied, and is that the same as unreasonableness? Then, if it is reasonable, is it unconscionable? She concluded that, what remains unclear is how this analysis will apply to other provisions in employment contracts, such as arbitration clauses, which many courts – including the U.S. Supreme Court – seem to review as reasonable.[38]

The *Rayford* decision could be the end of the road, where limitation period clauses in adhesive employment contracts are examined under stricter scrutiny. However, it is possible that Michigan could extend this analysis to other contracts, such as lease contracts, consumer contracts, arbitration agreements, or partnership contracts. Until we know for sure, one thing is clear: *Rayford v American House Roseville, LLC*, resets the law on how courts evaluate contractual provisions that shorten the statute of limitations for employment-related claims.

Gerard V. Mantese is a trial attorney and CEO at Mantese Honigman, PC, focusing his practice on complex business litigation in courts around the country. He is regularly named as one of the top 100 attorneys in Michigan Super Lawyers. He has worked for Access to Justice, Oakland County subcommittee, for several years and was also named Volunteer of the Year by the Detroit Housing Coalition, for his representation of tenants facing eviction. He originated the Hot Topics column and welcomes proposed articles. Austin Blessing-Nelson and George Strander also assist in reviewing proposed articles.

Tanya J. T. Candido attended Adrian College for her undergraduate (summa cum laude) and MBA degrees. She recently graduated from Wayne State University Law School, where she was the Managing Editor of External Affairs for the *Journal of Business Law* and President of the Business Law Society. She has also served as a Communications Committee Member for the SBM's International Law Section. Mrs. Candido is currently a Law Clerk at Mantese Honigman, PC, awaiting her Bar results.

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3. *Id.* at 461-62.
4. *Id.* at 462.
5. *Id.* at 470.
6. *Id.*
7. *Id.* at 489.
8. *Id.*
9 Arnow-Richman, et. al, *The Best and Worst of Contracts Decisions: An Anthology*, 45 Fla State Univ L Rev 4 (2018).
10. *Devillers v Auto Club Ins Ass'n*, 473 Mich 562, 588; 702 Mich 562 (2005), superseded by statute MCL 500.3145.
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15. *Id.*
16. *Id.* at 20.
17. *Id.* at 8, citing *Rory*, *supra* n 1.
18. *Id.* at 13.
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20. *Id.* at 9.
21. *Id.* at 11, quoting Black's Law Dictionary (12th ed.) (citation omitted).
22. *Id.* at 9
23. *Camelot Excavating Co, Inc v St Paul Fire & Marine Ins Co*, 410 Mich 118, 126; 301 NW2d 275 (1981), overruled by *Rory*, *supra* n 1.
24. *Rayford*, *supra* n 13 at 5.
25. *Id.* at 1.
26.*Id.* at 14.
27. *Id.* at 15 (quotation marks and citation omitted; alteration in original).
28. *Id.* at 16.
29. *Id.* at 16-17 (quotation marks and citation omitted; alteration in original).
30. *Id.* at 17.
31. *Id.* at 1.
32. *Id.* at 15-16.
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34. Kotzian, e-mail (Sept 19, 2025)
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PLAIN LANGUAGE

Capitalizing defined terms: Should consumer contracts use capitals for definitions?

BY MARTIN CUTTS

INITIAL CAPITALS IN UNEXPECTED PLACES

To lawyers, they're a familiar sight and utterly normal. Scattered through most agreements for loans, mortgages, and services are words and phrases with initial capitals. They don't usually start sentences, though they could, and they're not proper nouns or document titles, though they could be. Instead, they occur in unexpected places, e.g., "the Borrower must pay the Bank or its Representative a Recurring Charge on the Appointed Day."

So what are these capped-up show-offs, looking so smug in their shift-key superiority? They are, of course, terms specially defined in the agreement. They've acquired their extra glory because lawyers think that they should be highlighted and that this is the best—or at least the conventional—way to do it. But is this good practice, particularly in consumer contracts?

Much has been written about definitions and their uses and abuses,[1] but rather less about whether they should take initial capitals. It matters, because capitals in unexpected places look strange to laypeople, who often need to read legal documents like consumer contracts. As a plain-language editor, I want to reduce strangeness. So I savage long sentences, unusual constructions, the excessive use of passive-voice verbs, and words likely to be unfamiliar to most readers. And when Lawyers—or Authors aping lawyers—capitalize Nouns (they're usually nouns) that don't normally take Caps, I'm keen to downgrade them to Lowercase because they look inconsistent (or like the product of a disheveled Mind).

Agreements sometimes tell readers at the outset that defined terms will take initial capitals. A typical formula might say: "In this document, we use some words that have special meanings. We list them here and give them initial capitals wherever they appear in the document." But the agreement might then use initial capitals for several undefined things too, such as the first word of every sentence; names of countries and streets; headings; section titles; and titles of documents mentioned in the text. This sows doubt among alert or combative readers.

Modern agreements often define the main parties using *we* and *you*. To give these words initial caps looks particularly horrible, especially when they're used hundreds of times in a document, which is likely if the active voice predominates (as it normally should). So even lawyers who use initial caps for definitions will generally put *we* and *you* in lowercase. This exception tends to be explained in the text, which adds to the reader's burden—yet another legal oddity to learn about and then immediately discard as verbal frass.

ALTERNATIVES TO INITIAL CAPITALS

Rather than initial caps for defined terms, **bold type** is sometimes used. But when there are many defined terms and they're often used, the bold will dominate and dazzle—especially when *we* and *you* are also in bold. Because it's so clearly repulsive, I normally refuse to give our accreditation mark, the Clear English Standard,[2] to documents that adopt this style, hoping to persuade authors to drop it. Using bold for defined terms also means that it can't sensibly be used for other things, such as subheadings at the same type size, because alert readers will wonder whether these are defined too.

Using *italics* for defined terms is probably unfeasible nowadays. Okay, italics are not as obtrusive as bold but are widely thought to be less readable for people with visual impairments and those reading on screen. Moreover, the italics available in sans-serif fonts are often merely slanted versions of the roman type and don't look different enough from it; they tend to be typographically unappealing too, compared to some of the attractive italics available in serif fonts.

The use of SMALL CAPITALS for definitions has been advocated in a well-regarded writing guide by Mark Adler and Daphne Perry: "If

"Plain Language," edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* for 41 years. To contribute an article, contact Prof. Kimble at Cooley Law School, 300 S. Capitol Ave., Lansing, MI 48933, or at kimblej@cooley.edu. For an index of past columns, visit www.michbar.org/plainlanguage.

it is necessary to highlight defined terms we suggest SMALL CAPS, as clear but relatively unobtrusive and still allowing an initial (full size) capital when the ordinary rules demand it. Or in text to be read on screen, add a distinctively formatted hypertext link to the definition."[3] Their final point might lead to differences between on-screen and printed versions (if both exist), though this problem could be prevented by ensuring that all definitions are stated somewhere in both.

Small caps might have readability drawbacks similar to italics for people with visual impairments, though I doubt this has been researched. Like italics and boldface, small caps may lose their formatting when text is copied between programs and team members during the hurly-burly of drafting and design, a process that could lead to errors if the publishers are careless.

As ever, *we* and *you* and their grammatical cousins like *our*, *us*, and *your* would best be excluded from any small-caps regime. To date, I've not seen a consumer contract that uses small caps for defined terms, but that doesn't mean it's not feasible.

WHAT DOES BRYAN GARNER SAY?

Bryan Garner, a noted authority on clear legal drafting, shows a model 5,000-word Time Warner plain-language business-to-business contract in his book *Legal Writing in Plain English*.[4] Apart from *we* and *you*, the contract's eight defined terms are listed in a section at the end (readers are told at the start where to find them). Whenever they're used, the terms don't have initial caps or any other marker. Garner doesn't comment on the lack of signaling, although his description of the contract as a model implies tacit approval.

But in his *Dictionary of Legal Usage*, Garner takes a nuanced view that does seem to prefer initial caps for defined terms:

> Drafters' habits vary. The most common way to tell the reader that a term is defined is by using initial capitals—a practice that is not so bad if you keep definitions to a minimum. Others have experimented with boldfacing or italicizing defined terms wherever they appear in text, but this practice can lead to unsightly text. *Still others don't signal in any way that a particular word is a defined term, but most legal readers find this practice unacceptable.* Drafters who typeset their materials sometimes use running footers to tell the readers which words on a given page are defined in the schedule at the end—a time-consuming and costly practice.[5]

Likewise, in *The Redbook*, Garner points out, "The established convention in legal writing is to capitalize defined terms to show that they've been defined and that they're being used with a specific meaning."[6] And the book's model contract uses initial caps as well.[7]

WHAT DOES PETER BUTT SAY?

In his magisterial book *The Lawyer's Style Guide*, Peter Butt devotes several pages to our topic. He says: "Private-sector legal drafters generally highlight a defined term by capitalising the initial letter of the word—eg, *Design*. If the term comprises more than one word, they highlight the initial letter of each main word—eg, *Design of Equipment*."[8] (Note that the italics in that quote are merely Professor Butt's highlighting—initial caps are the only signal being discussed.)

Although Butt says the use of initial caps is "hallowed by convention," he describes the technique as "less than perfect" for two main reasons:

1. The reader may not understand the technique, perhaps assuming that the initial cap is a mistake and thus missing the point.
2. The defined word may appear at the start of a sentence or at the start of a heading, where a cap is always used, so the reader may be unsure whether the word is being used in its defined sense.[9]

Butt cites two cases in which the second kind of ambiguity has led to litigation. He also mentions that if a defined term is given in lowercase and is thus perhaps being used in its undefined sense, readers might not know whether this is deliberate or a mistake.[10]

Parliamentary drafters tend not to signal defined terms beyond putting them in quotation marks the first time they appear, so in the laws of many English-speaking countries and the EU, they occur without any other kind of signaling. Butt points out that some recent Australian law uses an asterisk to precede or follow defined words wherever they appear but notes that "research shows that readers find asterisks puzzling when a term comprises two or more words."[11]

There's also the knotty question of what happens when two defined terms accidentally land next to each other, asterisks and all. Of course, the same problem may occur with all the other markers that could be used: bold, italics, initial caps, small caps. Will readers understand what's going on (unlikely) or take pity on the poor drafter who has allowed such a muddle to occur (even more unlikely)? These pileups can happen when defined terms are left unsignaled, but they're less obvious; any readers who do notice are left to resolve the collision of meaning as best they can.

WHAT SOME UK COMPANIES HAVE DONE

In 2023, many UK companies found themselves bound by a new "consumer duty" to make their contracts clearer by the July 31 deadline.[12] Compliance staff, keen to apply the full spirit of the duty, swept away heaps of legalistic rhubarb as they did so. Some of them sent me their draft consumer contracts for an editorial checkup, and it was clear that using initial caps for defined terms was a convention they'd eagerly ditched.

They and their legal advisers who adopted this no-signal approach apparently believed that it would improve customer comprehension. Some of them commissioned testing on how far the new drafts were understood and acceptable to customers. As far as I know, since these contracts went live, few readers have marched in the streets or written to the Law Society demanding that initial caps or other definitional signals be restored. Presumably, not many have noticed that they've gone missing.

Here are three of the "no-signal" contracts I looked at in 2023, to all of which I was happy for my company to give the Clear English Standard:

- Skipton Building Society's 11,300-word mortgage conditions (England & Wales) have no definition section; defined words are explained as they occur—often in explainer panels—and they don't have initial capitals or any other signal.
- Santander Bank's 10,000-word mortgage conditions take a similar approach to Skipton's.
- The RAC's *Breakdown Cover* UK policy booklet (9,600 words) lists and defines ten terms in an early section but doesn't give them any signals when they appear later. The definitions page, headed "Making sense of your policy," begins: "We want our terms and conditions to be clear and easy to understand. To help with this, we use certain words in a specific way. We show the meaning of these words below."

You'll see from the word counts that all these new contracts are rather long, much longer than most people will want to tackle unless stranded on a desert island with no other reading material. As is common, customers are urged to read and make sure they've understood the documents, an exhortation rarely heeded in normal life. But consumer contracts are mainly reference works, consulted only if things go wrong. So a good access structure (contents list, heading system, explainer panels) is crucial to help readers find what they need.

WHAT SIEGEL + GALE DID IN THE 1970S

In scrapping initial caps for definitions, a consumer loan note by Siegel + Gale for Citibank changed everything. It showed how plain English and clear typography could transform the dog's breakfast of long sentences, legalese, and hideous layout that almost everyone had till then accepted as inevitable. The new-style document was simple to follow and easy on the eye, hence its legendary status in the modern plain-language movement. The before-and-after versions are available in Appendix 3 of *Legal Language*[13] and in the original version of this article on our website.[14]

In the old-style Citibank text, the defined terms *Bank*, *Borrower*, *Collateral*, *Code*, *Employer*, and *Obligations* take initial caps. In the revised version, only one defined term, *finance charge*, takes boldface (but lowercase) wherever it appears, perhaps for regulatory reasons. None of the other defined terms, of which there are far fewer than in the original, gets any marker at all.

MY PREFERENCES

The no-signal style for defined terms still seems best for consumer and microenterprise contracts. It can work well for the simpler kinds of business-to-business contracts too, though the defined terms should be clearly listed and not used in undefined senses (easily checked using Word's search tools).

The greatest benefit of the no-signal style is that it avoids strangeness in documents that are already pretty strange to most laypeople, compared to their everyday reading. Who knew the meaning of *excess*, *underwriting*, *uninsured perils*, and *indemnity basis* before they read their first insurance policy? For regulations and legislation too, I think the advantages of the no-signal style outweigh the disadvantages, though I've experimented with other approaches, notably in my book *Lucid Law*.[15]

My second preference would be to use asterisks for defined terms, but they are obtrusive when numerous terms are defined. My third preference would be small caps. When users wish to cite extracts, they should also retain the signaling and consider explaining what it means.

Comprehension testing may help show what users of different kinds of documents prefer and find helpful to signal defined terms—perhaps an interesting research project for someone in the plain-language field.

In the meantime, we are left with initial caps as the convention followed by most lawyers, especially in the U.S. Perhaps this article will persuade some of them to rethink their approach when it comes to consumer contracts.

This is a shorter version of an article that originally appeared in The Clarity Journal*, volume 90 (2025). Some spelling and punctuation has been changed for American readers.*

Martin Cutts, director of Plain Language Commission (a UK-based firm providing editorial and training services, see www.clearest.co.uk), has been at the heart of the plain-language movement since the mid-1970s. He conceived and co-founded the Plain English Campaign in 1979. In 2013, he won the Christine Mowat Achievement Award for Outstanding Contributions to Plain Language, and in 2023 he was inducted into Clarity's Plain Language Hall of Fame. He is the author of *The Oxford Guide to Plain English* (5th ed, OUP 2020). On free download from his website are several books showing demonstration projects about plain legal language, along with "Writing Plain English," a training course on plain-language basics. More than 15,000 documents and websites display Plain Language Commission's Clear English Standard logo.

ENDNOTES

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BEST PRACTICES

Words matter: Creating and maintaining a welcoming environment for LGBTQIA+ clients

BY ROBIN WAGNER

The new federal administration issued a slew of executive orders (EOs) in its first days that have raised important questions about the future for many of us who fit under the lesbian, gay, bisexual, transgender, queer, intersex, asexual and other sexuality and gender minorities (LGBTQIA+)[1] label. These orders rescind protections and impose new limitations primarily targeted at transgender individuals—that is, individuals who identify as a gender different from the biological sex assigned at birth—including a ban against transgender individuals enlisting and serving in the military, a restriction against gender-affirming care for people under the age of 19, prohibitions against schools creating policies that support and respect the gender identity of students, and a ban against transgender women and girls participating in women's and girls' organized sports.[2]

Thus, it is not surprising that transgender and other LGBTQIA+ minorities view these as frightening times. Same-sex marriage has been legal in Michigan for only ten years,[3] and workplace protections for LGBTQIA+ individuals have only been the law of the land for five years.[4] Many of us fear that if the Supreme Court could overturn *Roe v Wade*,[5] when it was settled law for 50 years, what is to protect these far less established rights for LGBTQIA+ Americans?

This article explores how you, as a legal professional, can work sensitively with LGBTQIA+ clients.

ATTORNEY ETHICS AND PROFESSIONAL STANDARDS

First, Michigan attorneys have an ethical obligation to treat all persons involved the legal process with courtesy and respect.[6] In addition, the American Bar Association's Model Rules of Professional Conduct emphasize that attorneys must avoid conduct that manifests bias or prejudice based on various factors, including sexual orientation and gender identity.[7] This duty applies in both direct client interactions and in our broader professional communications.

Confidentiality is of course an essential tenet of our ethical standards, but breaches can be especially harmful to LGBTQIA+ individuals. For example, inadvertently outing a client as transgender without their consent could not only violate ethical rules but also put the client at risk in light of the new government policies limiting their rights and opportunities. We must ensure that we know how comfortable a client is with disclosure of personal information, and check in with them repeatedly about their comfort and tolerance for such disclosure.

WE HAVE A DUTY TO TREAT EVERYONE WITH DIGNITY AND RESPECT

As attorneys, we also have a general duty not just to advocate in the courtroom, but to treat all of our clients and potential clients, as

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well as adversaries and court staff, with respect and dignity.[8] When it comes to LGBTQIA+ individuals, an important way we can create an inclusive space is to consider the essential foundations of professionalism: language and policy. When we employ inclusive language and create policies that help ensure that all individuals are treated with dignity and respect, we present ourselves as professionals who truly embrace the diversity of our community and clients.

By creating an environment where every client and colleague feels safe, heard, and respected, we create a safe harbor for vulnerable LGBTQIA+ individuals we touch in our legal practices amidst a rising tide of discrimination.

THE POWER OF INCLUSIVE LANGUAGE

Language is the foundation to our perceptions and interactions. Using inclusive language ensures that we do not inadvertently marginalize or alienate individuals based on their gender identity, sexual orientation, or other personal attributes. The way we phrase even routine questions can have a profound impact. For instance, when inquiring about a client's personal life, opting for neutral questions like, "Are you married?" or "Do you have a partner?" instead of "What is your wife's name?" avoids language that can exclude and alienate.

Similarly, using "they/them" pronouns as singular, gender-neutral options can prevent misgendering and demonstrate respect for nonbinary individuals—that is, individuals who eschew the limitation of being either male or female. Many of us have internalized rigid grammatical rules that may make this shift seem unnatural. For instance, we bend over backward to adjust quotations to fit the gender of our client's situation by using awkward "[s]he" or "she/he" alterations. But the law and language constantly evolve, and we can, too, by trying to use "they/them" for the third-person singular.

UNDERSTANDING THE BROADER CONTEXT

Beyond professional settings, it is crucial to recognize the broader societal challenges that LGBTQIA+ individuals face. The legal field does not exist in a vacuum. Particularly in light of the aforementioned EOs targeting transgender individuals' rights to full and equal participation in our society, imagine the courage it takes for someone to embrace their identity in the face of uncertainty about their basic rights.

As attorneys, we must be mindful that even when a client's legal issue does not explicitly involve LGBTQIA+ rights, their identity and experiences may shape their perspective on the law and their case. By leading with compassion and empathy, we create a legal practice where individuals feel safe, heard, and valued.

CREATING A MORE INCLUSIVE LEGAL SYSTEM

We have the power as legal professionals to foster inclusivity within the justice system by making even routine practices more mindful and equitable. We can and should prioritize using a person's correct name and pronouns in court, confirming with opposing counsel or the client beforehand if uncertain. Law firms can further this effort by cultivating a workplace culture that is welcoming to LGBTQIA+ clients and staff.

We can take practical steps to create a more inclusive environment. When meeting someone new, asking "What pronouns do you use?" or "Is there a name you prefer?" demonstrates respect and ensures correct communication. And if it is relevant to our practice area, we should also respectfully ask about sexual identity.

We can also review our basic forms, like intake materials, to ensure that we are asking inclusive questions about someone's gender and not having only male and female as the options. Consider these suggestions:

Gender – If you determine that you need to know a person's gender,[9] best practice is to have an open field for people to write in, or to have multiple checkboxes with the instruction, "check all that apply," which includes a self-describe option.

Partners/Spouses – Use neutral language like "spouse" or "partner" rather than "husband/wife."

Parent Information – Use neutral language, like "parent/guardian 1" and "parent/guardian 2" rather than "mother/father."

Pronouns – Pronouns are the words used to describe a person in the third person, so they are often helpful to collect when asking other demographic information. You can ask for pronouns by providing checkboxes with multiple options, as well as a write-in option.

Name – If you ask for someone's legal name, give a space for them to state their chosen name or preferred name, and use the latter in communications.

Titles and Honorifics – Make sure to include neutral title options like Mx. (pronounced "mix") which is a neutral alternative to Ms. and Mr.[10]

Educating oneself is key to fostering inclusivity. Resources from organizations like Lambda Legal,[11] Gay and Lesbian Alliance Against Defamation (GLAAD),[12] National Center for LGBTQ Rights (NCLR)[13] and The Trevor Project[14] offer guidance on best practices for working respectfully with LGBTQIA+ individuals and understanding the legal protections and challenges they face.

We can also reflect on the relevance of personal questions to ensure that we are not invading privacy: Before inquiring about a client's gender, sexuality, marital status, or medical history, for instance, we should ask ourselves if we would pose the same question to every client. In legal filings and briefs, outdated or incorrect gender pronouns should be adjusted with brackets to reflect accurate language, just as case law quotations are modified for clarity.

THE LEGAL PROFESSION IS EVOLVING

While some may argue that changing language and practices is unnecessary or cumbersome, the reality is that the law itself is evolving. We amend statutes, update legal definitions, and reconsider past precedents as society progresses. We are legal professionals

who pride ourselves on our precision, fairness, and adaptability, and so it makes sense for us to evolve in how we address, and communicate with, our clients (and others). In that way, we can build more trust with those we serve, and thereby advocate for them more effectively.

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ENDNOTES

1. LGBTQIA+ is an all-encompassing shorthand term that is helpful in conveying a commonality among sexual and general minorities, but it does not necessarily clarify who or what is meant by the letters. For those unfamiliar with the definitions of the terms this acronym represents, there are many resources online that are helpful, including that from the Annie E. Casey Foundation <https://www.aecf.org/blog/lgbtq-definitions>.
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3. *Obergefell v Hodges*, 576 US 644; 135 S Ct 2584; 192 L Ed 2d 609 (2015) held that the Fourteenth Amendment gave same-sex couples the right to marry and required all states to license and recognize such marriages. It was decided on June 26, 2015.
4. *Bostock v Clayton Co*, GA, 590 US 644; 140 S Ct 1731; 207L Ed 2d 218 (2020) held that Title VII of the Civil Rights Act of 1964 protects individuals from adverse actions in the workplace because of their sexual orientation or gender identity. It was decided on June 15, 2020.
5. *Dobbs v Jackson Women's Health Org*. 597 US 215; 142 S Ct 2228; 213 L Ed 2d 545 (2022), overturned *Roe v Wade*, 410 US 113; 93 S Ct 705; 35 L Ed 2d 147 (1973).
6. MRPC 6.5.
7. *The Evolution of Model Rule 8.4 (g): Working to Eliminate Bias, Discrimination, and Harassment in the Practice of Law*, American Bar Association <https://perma.cc/T5TQ-HAB2>.
8. Clement, *Professionalism: Inspiring Respect, Building Trust*, Michigan Bar Journal (Jan 2024) <https://www.michbar.org/journal/Details/Professionalism-Inspiring-respect-building-trust?ArticleID=4791#:~:text=The%20State%20Bar%20of%20Michigan,Civility%20to%20continue%20this%20mission>.
9. It is important to differentiate between sex and gender. "Sex" refers to one's biological and physiological orientation based on reproductive organs, chromosomes, and hormone levels. "Gender" is a social and cultural construct that describes how one does or does not identify with one's sex. By way of example, if one is cisgender one identifies with one's sex assigned at birth; if one is transgender, one identifies with a gender that differs from the sex assigned at birth; and if one is nonbinary, one does not identify as either male or female.
10. Many of these suggestions are made on https://www.keshetonline.org/resources/forms/.
11. Lambda Legal <https://lambdalegal.org/>.
12. GLAAD <https://glaad.org/>.
13. National Center for LGBTQ Rights <https://www.nclrights.org>.
14. The Trevor Project <https://www.thetrevorproject.org/>.

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The State Bar of Michigan Alternative Dispute Resolution Section Announces 2025 Award Winners

The Alternative Dispute Resolution Section of the State Bar of Michigan is proud to announce that the following individuals are recipients of the ADR Section's major awards in 2025. The recipients were recently honored at an awards ceremony on September 19.

Richard Balkema is the recipient of the Distinguished Service Award. The Distinguished Service Award is given in recognition of significant contributions to the field of dispute resolution. The Section is pleased to honor Richard for his hard work with the Dispute Resolution Center of West Michigan, as exemplified by the voluminous number of cases that he has mediated in topic areas including domestic issues, civil rights, restorative justice, small claims, neighbor disputes, landlord-tenant conflicts, agricultural matters, and special education.

James E. Darden 11 is the recipient of the George N. Bashara Jr. Award. This award is given in recognition of exemplary service to the Section and its members. James has contributed many years of dedicated service as the Section's Treasurer. His steadfast commitment, professionalism, and stewardship have greatly contributed to the Section's success and the advancement of ADR in Michigan.

Susan Wilson Keener is the recipient of the Hero of ADR Award, Keener is recognized for her years of work with the Grand Rapids Bar Association and as a pioneer in Collaborative Divorce and domestic relations mediation.

Brandie Sigler is the recipient of the Nanci S. Klein Award, in recognition of her exemplary service in the field of community dispute resolution. Since coming aboard as the Conflict Resolution Services' Executive Director in 2022, Brandie has done a remarkable job improving the operations of the Center.

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ALTERNATIVE DISPUTE RESOLUTION SECTION

ETHICAL PERSPECTIVE

The client's case: Rights, duties, and the scope of representation under MRPC 1.2

BY ALECIA CHANDLER

An often-overlooked rule of professional ethics is MRPC 1.2: Scope of Representation. This rule provides the framework for the ethical division of authority between lawyer and client. Under this rule, attorneys are responsible for providing legal counsel, while clients retain the ultimate authority over the objectives of representation. Understanding and respecting this division is essential to ethical, effective lawyering.

Lawyers are advisors, strategists, and advocates. A lawyer should aim to counsel, inform, and represent, not to control. At the heart of a lawyer's role as counselor is a duty to support clients in making informed, lawful decisions, even when those decisions differ from what the lawyer might personally choose.

CLIENT AUTHORITY: DECISIONS THAT BELONG TO THE CLIENT

Rule 1.2(a) makes clear that a lawyer "shall abide by a client's decisions concerning the objectives of representation." In practice, this includes critical decisions such as whether to file or dismiss a lawsuit or to accept or offer a settlement. In criminal matters, this includes how to plead and whether or not the client will testify.

For example, consider a breach of contract case in which the client is offered a settlement. Even if the attorney believes the settlement undervalues the claim, the decision to accept or reject the settlement ultimately rests with the client. MRPC 1.4 requires that a lawyer must communicate a settlement offer or plea bargain, which underlines the client's right to accept or reject any offer.[1] Similarly, in a family law matter, a client may prioritize preserving a co-parenting relationship over litigating for sole custody, even when the lawyer believes they might prevail in court. In these situations and others like them, the lawyer's role is to provide thorough candid advice, not to override the client's informed decision.

This deference to client autonomy applies only when the client's decisions are lawful and informed. If the client's directives are unlawful, or if their decisions suggest a misunderstanding of the risks and consequences, the attorney may need to take further steps. In some cases, this may include withdrawing from representation under MRPC 1.16.[2]

It's not uncommon for clients to make choices that we as lawyers would not recommend or make ourselves. A lawyer might believe that turning down a settlement is a mistake, or that testifying in a criminal case exposes a client to unnecessary risk. But if the client understands the stakes and makes a lawful decision, the lawyer must respect it under MRPC 1.2.

Ethical representation means that the lawyer's services must align with the client's lawful objectives. If that alignment is no longer possible, MRPC 1.16 provides a mechanism for withdrawal.[3] Until the point is reached where alignment becomes impossible, the lawyer is obligated to carry out the client's decisions with diligence and competence, regardless of the lawyer's personal views.

"Ethical Perspective" is a regular column providing the drafter's opinion regarding the application of the Michigan Rules of Professional Conduct. It is not legal advice. To contribute an article, please contact SBM Ethics at ethics@michbar.org.

LAWYER AUTHORITY: DECISIONS THAT BELONG TO THE LAWYER

While clients control the objectives of representation, lawyers are responsible for determining the means of pursuing the client's goals. MRPC 1.2(a) also states that a lawyer "shall consult with the client as to the means," signaling collaboration but also preserving professional judgment.

Tactical decisions, such as how to conduct discovery, which motions to file, and which witnesses to call, are within the lawyer's authority. A lawyer's training and experience provide the foundation for these choices. Clients should be informed and their preferences considered, but these decisions do not require the client's consent unless they impact the overall objectives of the representation.

At times, this can be a challenge as lawyers have a duty to both the client and the legal system. Lawyers must only assert meritorious claims and defenses,[4] be truthful in communications with others,[5] be candid with courts,[6] and follow all other ethics rules and the law.[7] The balance between client service and maintaining the integrity of the judicial system is what distinguishes legal advocacy from mere representation.

Sometimes, clients demand that lawyers take actions that are not ethically sound, which may require withdrawal. For example, a client facing a murder charge wants to assert an insanity defense. The lawyer seeks three evaluations of the client's mental state, all which provide that the client was competent. The client demands that the lawyer present an insanity defense; however, doing so under the circumstances would violate MRPC 3.1, as this defense is not meritorious. Therefore, if the client continues to demand that the lawyer assert the insanity defense, the lawyer should seek to withdraw from representation.

LIMITED-SCOPE REPRESENTATION: CLARITY IS KEY

In 2018, the Michigan Supreme Court amended MRPC 1.2 to specifically include limited scope representation and "provide guidance for attorneys and clients who would prefer to engage in limited scope representation."[8] MRPC 1.2(c) permits attorneys to limit the scope of representation, provided the limitation is reasonable and the client gives informed consent. A lawyer may be retained solely to draft a pleading or review a settlement agreement. They may provide behind-the-scenes coaching or represent a client only during a single phase of a proceeding. These limited scope arrangements can increase access to legal services, but they must be clearly defined and in writing.[9]

The client must understand which services are included, which are excluded, and the limitations of the arrangement. For example, an attorney offering limited-scope help in a landlord-tenant dispute should specify whether they will appear in court or simply prepare documents for the client to file. The scope of representation should always be documented in writing to avoid any future disputes.

Limited scope representation, importantly, does limit responsibility. Lawyers must still comply with their ethical duties to act competently, communicate clearly, and avoid misleading the client about what the representation covers.

See the State Bar of Michigan website under *Limited Scope Representation* for more related resources.[10]

COMMUNICATING WITH CLIENTS: INFORMED CONSENT

A lawyer's ability to guide clients depends on timely, effective communication. MRPC 1.4 requires attorneys to keep clients reasonably informed about their case, consult with them on important decisions, and explain matters in a way that the client will understand, which allows for informed consent.

Obtaining the client's informed consent is required and serves as the cornerstone of nearly every duty a lawyer owes to the client, whether in communication, strategy, or scope. Informed consent requires the client to understand the material facts, the options available, the risks involved, and the likely consequences.

The best protection for both lawyer and client is documentation. A well-drafted engagement letter, a follow-up email summarizing a discussion, or a written confirmation of a client's decision can all serve as evidence that the client was properly advised and agreed to proceed. For example, if a divorce client chooses to waive discovery in exchange for a quicker resolution, the lawyer should explain the potential loss of financial transparency and document that conversation in writing. No matter what kind of law you are practicing, the most important thing you can do to protect your client and yourself is to obtain informed consent regarding the client's decision and confirm that consent in writing.

PRACTICAL STEPS TO STAY ALIGNED WITH RULE 1.2

- **Clarify objectives early**. Ask what the client wants to achieve. Revisit this periodically as the case evolves.
- **Explain risks and options**. Don't assume the client understands. Spell it out. Clearly and effectively communicate with the client as required by MRPC 1.4.
- **Define the scope in writing**. Especially in limited-scope matters, be precise.
- **Respect decisions, even when you disagree**. Offer strong advice but carry out lawful instructions.
- **Document consent and key decisions in writing**. It protects you and the client.

CONCLUSION: RESPECTING ROLES, UPHOLDING TRUST

The lawyer-client relationship is fundamentally a partnership. Clients bring their values, goals, and life experiences. Lawyers bring

their legal training, practical judgment, and professional responsibility. MRPC 1.2 codifies that balance: Clients choose the destination, and lawyers map the route. By respecting that division of roles, lawyers meet their ethical duties and build the kind of trust that leads to stronger advocacy, better outcomes, and greater professional satisfaction.

Alecia Chandler is the professional responsibility programs director at the State Bar of Michigan.

ENDNOTES

1. See also, State Bar of Michigan, Ethics Opinion RI-171 (Sept 17, 1993) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-171> (all websites accessed Sept 22, 2025).
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3. See State Bar of Michigan, Ethics Opinion RI-387 (Feb 17 ,2023) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-387>.
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LIBRARIES & LEGAL RESEARCH

Keeping up with 2025 executive orders and related litigation

BY MICHELLE M. LALONDE

One of the most memorable photographs from the 2025 presidential inauguration showed President Trump at the Resolute Desk with a large pile of binders as he signed new executive orders (EOs) targeting his highest-priority campaign issues.[1] Since then, there have been many legal actions fighting these EOs, so keeping track of both the orders and the litigation relating to them is crucial for many attorneys.

Attorneys in many areas of practice need to know how to keep up with the latest EOs, as these orders may impact the funding, operations, staff or rights of the companies, individuals, and organizations they represent. Those who typically practice outside of federal administrative law may be less familiar with researching EOs, beyond what they learned in law school. As a starting point, *Black's Law Dictionary* defines an executive order as "[a]n order issued by or on behalf of the President, usually intended to direct or instruct the actions of executive agencies or government officials, or to set policies for the executive branch to follow that must be first published in the *Federal Register* to be valid."[2]

OFFICIAL FEDERAL GOVERNMENT RESOURCES

The official White House website's "Presidential Actions" section is where President Trump's EOs are first made available, listed by date, with most recent orders listed first.[3] Additionally, the section includes memoranda, proclamations, and information on presidential nominations and appointments. EOs become valid upon their publication in the *Federal Register*, which is published every business day except federal holidays.[4] The National Archives' official *Federal Register* website has a section of presidential documents, including EOs, and a disposition table by EO number with PDFs of each order.[5] Another excellent resource for presidential documents is the Government Publishing Office's GovInfo website, with all U.S. EOs since 1933.[6] To search the website, I recommend going to "Browse" and clicking on the letter "E" and then "Executive Orders from 1933 to the Present." From there, you can use the tools on the left side of the page to narrow results by date or topic.

EXECUTIVE ORDER TRACKERS

Some of the most comprehensive and up-to-date EO tracker sites are Akin Gump's "Executive Order Tracker" and Mayer Brown's "Trump 2.0: Executive Order Tracker." Akin Gump's "Executive Order Tracker" blog has links to a summary of orders by date, and the site can also be filtered by category or searched by keyword.[7] Mayer Brown's "Trump 2.0" website contains EOs (organized by topic) and "Relevant Legal Updates" with summaries and a downloadable spreadsheet of 2025 executive orders.[8] The Brookings Institution's "Tracking Regulatory Changes in the Second Trump Administration" site, written by Brookings scholars, tracks EOs, status updates, rule changes, background information, timelines, and impacts of EOs.[9]

"RELATED LITIGATION" TRACKERS

Legal news websites have put together some of the best EO-related litigation trackers. Court Watch's "Lawsuits Related to Trump Admin Actions" are listed by filing date, and the site is updated daily.[10] Each entry has docket information and trial documents available to download without cost (although with links to PACER). Another excellent website is Just Security's "Litigation Tracker: Legal Challenges to Trump Administration Actions."[11] It contains overviews, summaries, free trial documents, and updates for each lawsuit by Just Security's staff. Law360's "Trump's Legal Battles" site does not require a subscription to view the listings; however, a subscription is required to retrieve docket listings or documents linked.[12] Updated frequently, Law360 lists lawsuits by EO topic, with listings color-coded by party names, presiding judge, and status of case.[13]

PAID LEGAL RESEARCH DATABASES

For Westlaw Precision subscribers, a 2025 Trump Administration Toolkit and 2025 Trump Administration Transition Toolkit: The First 100 Days are both included as a Practical Law Dynamic Tool Set enhancement.[14] The first is organized by topics and practice area resources.[15] The second has summaries of changes and links to practice notes, executive orders, and news.[16] It is sometimes easier

to find these toolkits by using an external search engine, using terms like "Westlaw Trump administration toolkit."

Similarly, LexisNexis has its 2025 Executive Order and Actions Trackers resource kits in its "Practical Guidance" law product, listed under "Tools & Resources."[17] Users can search the Resource Kits section for "Executive Orders" or "Executive Actions" (within quotation marks) to find the trackers. The Presidential Executive Actions Tracker is updated twice weekly; LexisNexis subscribers can set up alerts for when new material is added. It contains links to EOs and presidential documents. LexisNexis' EO litigation tracker is updated weekly.[18] Information is somewhat less well-organized than similar litigation trackers; users may need to scroll throughout to find lawsuits or EOs of interest to them. Information is organized in boxes with party names, date filed, a summary, and status of the actions.

Bloomberg Law's "In Focus: Executive Orders & Actions" (available through its Litigation Intelligence Center) is perhaps the best-organized and most comprehensive of the trackers by the "big three" of legal research vendors.[19] Bloomberg Law's "In Focus" page has many useful tools, including interactive tables, legal analysis and news, secondary sources, and a "Related Developments" tracker. Alerts for both case dockets and the *Federal Register* can be set up; users can choose materials by federal agency via the drop-down menu.

CONCLUSION/SUMMARY

As of this writing, President Trump has signed a total of 157 executive orders since Inauguration Day, with these documents intended to completely transform many of the operations of the federal government.[20] For attorneys knowing how to find the original documents, track litigation will be able to provide value to clients and their work. A more comprehensive treatment of the topic is available as a research guide on the Wayne State University Library System's website under "2025 Executive Orders and Related Litigation."[21]

Michelle M. LaLonde serves as interim director of the Arthur Neef Law Library at Wayne State University and adjunct professor at Wayne Law and is a member of the State Bar of Michigan and Eastern District of Michigan Federal Bar.

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12. *Trump's Legal Battles*, Law360 <https://www.law360.com/trump-legal-challenges>.
13. *Id.*
14. *Trump Administration Toolkit*, Westlaw Precision Practical Law <https://next.westlaw.com/Document/I7faa8402df2c11ef8b11b9b0c07ab1f9/View/FullText.html?transitionType=Default&contextData=(sc.Default)>.
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ORDERS OF DISCIPLINE & DISABILITY

DISBARMENT (BY CONSENT)

Sufi Y. Ahmad, P43206, Pleasant Ridge, Disbarment, Effective August 23, 2025.[1]

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of Discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #16. The stipulation contained respondent's no contest pleas to the factual allegations and allegations of professional misconduct set forth in the consolidated formal complaints (23-67-GA and 25-10-GA). Specifically, respondent failed to file legal matters on behalf of clients, mishandled settlement proceeds, failed to petition the court for a guardian ad litem to be appointed for a minor in a probate matter, mishandled multiple legal matters, entered into a settlement without the client's permission, and failed to answer multiple requests for investigation.

Based on respondent's no contest pleas and the stipulation of the parties, the panel found that respondent neglected a legal matter, in violation of MRPC 1.1(c) (23-67-GA — Counts One and Three: 25-10-GA — Counts One, Two, and Three); failed to seek the lawful objectives of a client, in violation of MRPC 1.2(a), (23-67-GA — Counts One, Three, and Four: 25-10-GA — Counts One, Two, and Three); failed to act with diligence and promptness on behalf of a client, in violation of MRPC 1.3, (23-67-GA — Counts One, Three, and Four: 25-10-GA — Counts One, Two, and Three); failed to keep a client reasonably informed regarding the status of a matter, in violation of MRPC 1.4(a), (23-67-GA — Counts One, Three, and Four: 25-10-GA — Counts One, Two, and Three); failed to promptly pay or deliver funds that a client or third party is entitled to receive, in violation of MRPC 1.15(b)(3), (23-67-GA — Counts Two and Four); failed, when two or more people claim an interest in property, to keep the property separated until the dispute is resolved, in violation of MRPC 1.15(c), (23-67-GA — Count Two); failed to deposit client or third party funds into an IOLTA or non-IOLTA trust account, in violation of MRPC 1.15(d), (23-67-GA — Count Four); made a false statement of material fact or failed to correct a false statement previously made, in violation of MRPC 3.3(a)(1), (25-10-GA — Count Three); knowingly disobeyed on obligation under the rules of a tribunal, in violation of MRPC 3.4(c), (23-67-GA — Count Two); engaged in conduct that violates the rules or standards of professional conduct, in violation or MRPC 8.4(a) and MCR 9.104(4), (23-67-GA — Counts One, Two, Three, Four, and Five [Count Five is only in violation of MRPC 8.4(a)]: 25-10-GA — Counts One, Two, and Three); engaged in conduct involving fraud, deceit, dishonesty and/or misrepresentation, in violation of MRPC 8.4(b), (23-67-GA — Counts One, Three, and Four: 25-10-GA — Counts One, Two, and Three); engaged in conduct prejudicial to the administrator of justice, in violation of MRPC 8.4(c) and MCR 9.104(1), (23-67-GA — Counts One, Two, Three, and Four: 25-10-GA — Counts One, Two, Three, and Four); engaged in conduct that exposes the legal profession to obloquy, contempt, censure, and/or reproach, in violation of MCR 9.104(2), (23-67-GA — Counts One, Two, Three, and Four: 25-10-GA — Counts One, Two, Three, and Four); engaged in conduct contrary to justice, ethics, honesty and/or good morals, in violation of MCR 9.104(3), (23-67-GA — Count Two: 25-10-GA — Counts One, Two, Three, and Four); knowingly failed to timely respond to a lawful request for information from a disciplinary authority, in violation of MRPC 8.1(a)(2), (23-67-GA — Count Five: 25-10-GA — Count our); and, failed to timely answer a request for investigation, in violation of MCR 9.104(7) and MCR 9.113(A) and (B)(2), (23-67-GA — Count Five; 25-10-GA — Count Four).

In accordance with the stipulation of the parties, the hearing panel ordered that respondent be disbarred, effective August 23, 2025. Total costs were assessed in the amount of $1,979.32.

1. Respondent had been continuously suspended from the practice of law in Michigan since May 2, 2025. See

ADVOCACY OF ALL GRIEVANCE, CHARACTER & FITNESS, AND STATE BAR RELATED MATTERS.

TODD A. McCONAGHY

Partner/Executive Committee - Sullivan, Ward, Patton, Gleeson & Felty, P.C.

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Notice of Interim Suspension Pursuant to MCR 9.115(H)(1) [Failure to Appear], issued on June.

NOTICE OF REPRIMAND

Laurel Meyers Byrnes, P84831, Colorado Springs, Colorado Reprimand, Effective August 14, 2025.

The Grievance Administrator filed a Notice of Filing of Reciprocal Discipline pursuant to MCR 9.120(C), that attached a certified copy of an order entered by the Supreme Court of Colorado on December 18, 2024, suspending respondent's license to practice law in Colorado for one year and one day, to be stayed upon successful completion of a two-year period of probation subject to other conditions, in *People v Laurel Meyers Byrnes,* Colorado Discipline Case 24PDJ040.

An order regarding imposition of reciprocal discipline was issued by the Board on May 28, 2025, ordering the parties to, within 21 days from service of the order, inform the Board in writing: (i) of any objection to the imposition of comparable discipline in Michigan based on the grounds set forth in MCR 9.120(C)(1), and (ii) whether a hearing was requested. The 21-day period expired without objections by either party and respondent was deemed to be in default. As a result, the Attorney Discipline Board ordered that respondent be reprimanded in Michigan.[1] Costs were assessed in the amount of $1,511.54.

1. Because the Michigan discipline system does not have a stayed suspension as a type of discipline, a reprimand is an appropriate and comparable level of discipline.

INTERIM SUSPENSION PURSUANT TO MCR 9.115(H)(1)

Mohamed A. Chaytou, P80023, Dearborn Interim Suspension—Effective July 31, 2025.

Respondent failed to appear before Tri-County Hearing Panel #7 for the July 18, 2025, hearing, and satisfactory proofs were entered into the record that he possessed actual notice of the proceedings. As a result, the hearing panel issued an Order of Suspension Pursuant to MCR 9.115(H)(1) [Failure to Appear], effective July 31, 2025, and until further order of the panel or the Board.

NOTICE OF DISBARMENT (BY CONSENT)

Richard H. Clark, P69849, Bloomfield Hills, Disbarment, Effective August 29, 2025.

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of Discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #53. The stipulation contained respondent's admissions to the factual allegations and allegations of professional misconduct as set forth in the six-count formal complaint, with the exception of paragraphs 60(a), 77, and 100(f), which the parties agreed to dismiss.

In Count One, respondent was retained to represent two individuals in an adversarial bankruptcy proceeding in the U.S. Bankruptcy Court for the Western District of Michigan. Respondent deposited a $20,000 retainer fee into his operating account and used those funds, along with several disbursements from the bankruptcy court, to pay personal and credit card expenses, including cash withdrawals and insurance companies. In October, 2022, Respondent's co-counsel informed the clients that respondent could no longer represent them, and a formal substitution of counsel occurred in December 2022. Subsequent to his substitution out of the case, Respondent failed to respond to two letters from the clients requesting an accounting and refund of unearned fees, nor did respondent issue any refunds.

In Count Two, respondent commingled funds from the Paycheck Protection Program (PPP), earned income, and other personal funds with client funds in his IOLTA at various times in 2021 and 2022. Further, respondent used the PPP funds from his IOLTA to prepay for a year's rent of his personal residence in Waterford.

In Count Three, respondent sent profane and abusive messages to a legal assistant. When asked to apologize, respondent instead replied with more vulgar and hostile language and continued to insult the individuals involved in the legal process of his divorce.

In Count Four, respondent was retained by another individual to file a Chapter 13 bankruptcy petition. The court confirmed a bankruptcy plan on October 5, 2017, to last 60 months. In October 2022, respondent's client received notice from the trustee that the plan had expired, that the discharge provisions were not met, and that a motion to dismiss would be filed. A motion to dismiss was filed and served on respondent, who failed to object. The bankruptcy case was dismissed on December 5, 2022. Respondent did not inform his client and his client made several unsuccessful attempts to contact respondent through various methods.

In Count Five, respondent failed to respond to two requests for investigation.

In Count Six, it is detailed that respondent represented 29 clients in Chapter 13 bankruptcy proceedings before the U.S. Bankruptcy Court for the Eastern District of Michigan between 2017 and 2022. Midway through the cases, respondent ceased communication with both his clients and the court, effectively abandoning the representation. Sixteen of the cases were involuntarily dismissed due to respondent's failure to file required documents, comply with court orders, or appear at hearings and status conferences. Respondent failed to inform those clients of the dismissals or to take any steps to reverse them. The remain-

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ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

ing thirteen cases avoided dismissal only because the clients obtained new counsel after respondent had taken no action to prevent the dismissals.

Based upon respondent's admissions and the stipulation of the parties, the panel found that respondent neglected a legal matter, in violation of MRPC 1.1(c) [Counts Four, Six]; failed to seek the lawful objectives of a client, in violation of MRPC 1.2(a) [Count Four]; failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3 [Counts Four, Six]; failed to keep his clients reasonably informed about the status of their matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a) [Counts One, Four, Six]; failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b) [Counts One, Four]; failed to promptly render a full accounting of client funds or property, in violation of MRPC 1.15(b)(3) [Count One]; failed to hold property of a client or third person funds in connection with a representation separate from the lawyer's property, in violation of MRPC 1.15(d) [Count One]; deposited funds in a trust account in excess of the amount reasonably necessary to pay financial institution service charges or fees, in violation of MRPC 1.15(f) [Count Two]; failed to deposit a legal fee paid in advance into a client trust account and withdrew unearned fees, in violation of MRPC 1.15(g) [Count One]; knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c) [Counts Three, Six]; failed to treat with courtesy and respect all persons involved in the legal process, in violation of MRPC 6.5(a) [Count Three]; knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2) [Count Five]; engaged in conduct that violates the standards or rules of professional conduct, in violation of MRPC 8.4(a) and MCR 9.104(4) [All Counts]; engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b) [Count Two]; engaged in conduct prejudicial to the proper administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1) [All Counts]; engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2) [All Counts]; engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) [All Counts]; and failed to answer a request for investigation in conformity

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- Over 24 years complex litigation experience
- Member, Association of Professional Responsibility Lawyers

with MCR 9.113(A) and MCR 9.113(B)(2), in violation of MCR 9.104(7) [Count Five].

In accordance with the stipulation of the parties, the hearing panel ordered that respondent be disbarred, effective August 29, 2025. Total costs were assessed in the amount of $1,985.09.

INTERIM SUSPENSION PURSUANT TO MCR 9.115(H)(1)

Angelina Cummins, P78867, Southfield, Interim Suspension—Effective August 7, 2025.

Respondent failed to appear before Tri-County Hearing Panel #55 for the July 23, 2025, hearing, and satisfactory proofs were entered into the record that she possessed actual notice of the proceedings. As a result, the hearing panel issued an Order of Suspension Pursuant to MCR 9.115(H)(1) [Failure to Appear], effective August 7, 2025, and until further order of the panel or the Board.

TRANSFER TO INACTIVE STATUS (BY CONSENT)

David J. Gilbert, P56956, Mt. Pleasant, Inactive Status, Effective August 11, 2025.

The Grievance Administrator filed a Petition to Transfer to Inactive Status Pursuant to MCR 9.121(B)(1), alleging that respondent is incapacitated and is unable to continue to practice law due to a mental or physical infirmity or disability. The parties appeared before the panel for a hearing on July 28, 2025, at which time, and on the record, respondent consented to the entry of an order transferring him to inactive status, effective August 11, 2025, to allow him to complete the winding down of his practice. Respondent also agreed to assist the State Bar of Michigan Client Protection Fund should any claim for payment be made by the complainant.

In accordance with the agreement of the parties, the panel ordered that respondent's license to practice law in Michigan be transferred to inactive status until further order of the Attorney Discipline Board. No costs were assessed.

NOTICE OF REPRIMAND

Tracie R. Gittleman, P45176, Farmington Hills, Reprimand, Effective September 4, 2025.

After proceedings conducted pursuant to MCR 9.115, and based on the evidence presented by the parties at the hearings held in this matter, Tri-County Hearing Panel #51 found that respondent committed professional misconduct while acting as appointed appellate counsel for two criminal defendants, as set forth in Counts Two and Three of the formal complaint. Specifically, the panel found that respondent handled a legal matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b); neglected a legal matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; and, engaged in conduct that violates the Rules of Professional Conduct, in violation of MRPC 8.4(a) and MCR 9.104(4). The panel dismissed the charges in Count One of the formal complaint.

On August 13, 2025, the panel ordered that respondent be reprimanded, effective September 4, 2025. Costs were assessed in the amount of $2,791.65.

1. Respondent explained that in 2014, she had just been promoted to a "level two" and was asked to take appointments from more counties. "She had no idea of the volume of cases that would be mailed to her and that she could not reject… Prior to that time, Ms. Gittleman only handled Oakland County appeals and would receive two to three a year. Ms. Gittleman was inexperienced with handling a higher appellate load and did not expect what did occur." (Sanction Brief, p 5.)

2. Although the admonishment letter was not offered as an exhibit by the Grievance Administrator at the hearing, respondent acknowledged the existence of the admonishment letter in her brief on sanctions, and a copy of the letter was provided to the panel/Board on August 12, 2025.

NOTICE OF REPRIMAND (BY CONSENT)

Charles G. Goedert, P39645, Kalkaska, Reprimand, Effective August 27, 2025.

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Emmet County Hearing Panel #1. The stipulation contained respondent's no contest pleas to the factual allegations in paragraphs 1-3, 4 as amended, 5-7, and 28-31, as well as the allegations of professional misconduct set forth in paragraph 34(j) of the formal complaint. Specifically, that respondent, after being overruled and disqualified by a higher court, sent a critical letter to the appellate judge. The stipulation further contained the parties' agreement to dismiss, with prejudice, Counts One and Three through Six of the formal complaint, as well as paragraphs 27, 32-33, 34(a)-(i), and 34(k), as set forth in Count Two of the formal complaint.

Based upon respondent's no contest pleas and the stipulation of the parties, the panel

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ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

found that respondent initiated, permitted, or considered ex parte communications, or considered other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding, in violation of Michigan Code of Judicial Conduct 3A(4).

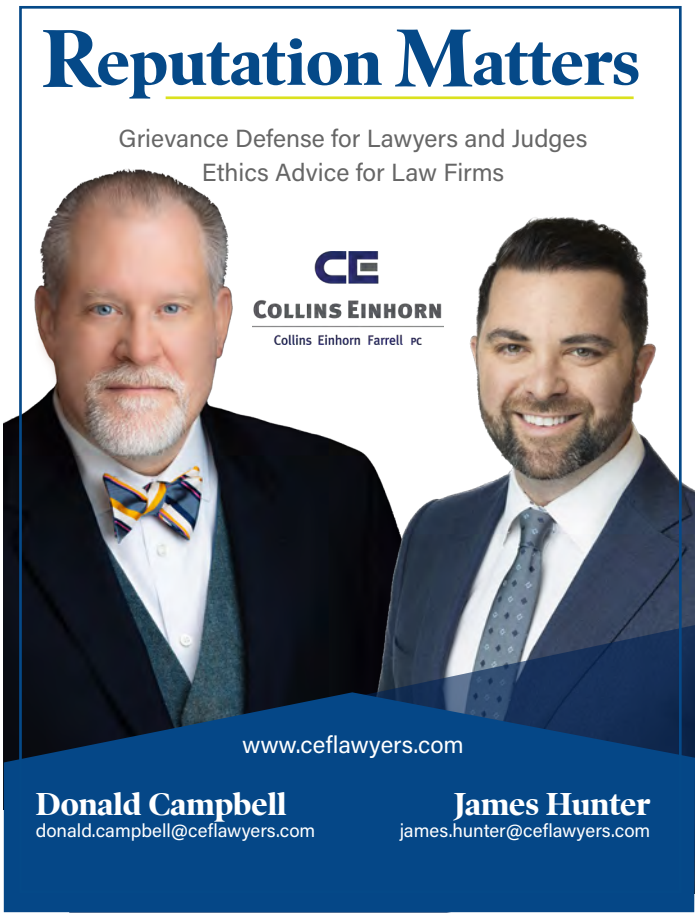
In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded. Costs were assessed in the amount of $1,148.20.

1. The parties agree that paragraph four should be amended to read: "Respondent is a Michigan attorney who was licensed in 1986 and resides in Kalkaska County."

REPRIMAND WITH CONDITION (BY CONSENT)

Terri T. Macklin, P38785, Grand Rapids, Reprimand, Effective August 12, 2025.

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Muskegon County Hearing Panel #3. The stipulation contained respondent's no contest pleas to the factual allegations set forth in paragraphs 1-52 of the formal complaint, that involved a trust, estate planning and eventual probate court matter involving respondent's client, with the exception of the allegations in paragraph 18, which the parties agreed, for purposes of the stipulation, that respondent did not personally have a client sign a mortgage or promissory note referenced in Count One, although she was aware of the contents of the mortgage and promissory note during the representation. The stipulation further contained respondent's no contest plea to the allegations of professional misconduct set forth in paragraph 54 of the formal complaint, with the exception of 54(g), which the parties agreed to dismiss.



Based on respondent's no contest pleas and the stipulation of the parties, the panel found that respondent entered into an agreement for, charged, and/or collected an illegal or clearly excessive fee, in violation of MRPC 1.5(a); failed to adequately communicate the basis or rate of the fee to her client, in violation of MRPC 1.5(b); entered or attempted to enter, into a business transaction with a client or knowingly acquire an ownership, possessory, security, or other pecuniary interest adverse to a client, where (1) the transaction and terms on which the lawyer acquired the interest were not fair and reasonable to the client and were not fully disclosed and transmitted in writing to the client in a manner that could be reasonably understood by the client, (2) the client was not given a reasonable opportunity to seek the advice of independent counsel in the transaction, and/or (3) the client did not consent in writing thereto, in violation of MRPC 1.8(a); knowingly made a false statement of material fact or law to a tribunal, or failed to correct a false statement of material fact or law she previously made to the tribunal, in violation of MRPC 3.3(a)(1); offered evidence that she knew was false, in violation of MRPC 3.3(a)(3); violated or attempted to violate the Rules of Professional Conduct, or knowingly assisted or induced another to do so, or did so through the acts of another, in violation of MRPC 8.4(a); engaged in conduct that is prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); and engaged in conduct that violates the standards or rules of professional conduct adopted by the Supreme Court, in violation of MCR 9.104(4).

In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded and required her to comply with a condition relevant to the established misconduct. Costs were assessed in the amount of $1,500.65.

1. With regard to the allegations in paragraph 18, the parties stipulated to the additional fact that respondent did not personally have Cheryl Scott sign the mortgage or promissory note referenced in Count One, although she was aware of the contents of the mortgage and promissory note during the representation.

2. The allegations in Counts Two and Three pertain only to Respondent Carrier and are not relevant to this report, so they will not be discussed here.

3. The stipulation indicates that the parties agree that although certain aspects of Respondent Macklin's conduct were knowing as alleged in the formal complaint, her overall state of mind was that she was negligent as to the alleged violations of professional duties.

NOTICE OF SUSPENSION (BY CONSENT)

Tyler N. Ross, P75530, Bloomfield Hills, Suspension—Three Years, Effective September 28, 2023.

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of Discipline pursuant to MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #58. The stipulation contained respondent's admissions that he was convicted by guilty plea of one count of conspiracy to commit an offense against the United States, in violation of 18 USC § 371, a felony, in *United States of America v Tyler N Ross,* US District Court, Eastern District of Michigan, Case No. 23-cr-20451. In accordance with MCR 9.120(B)(1), respondent's license to practice law in Michigan was automatically suspended, effective September 28, 2023, the date of respondent's conviction. Based on respondent's admission and the stipulation of the parties, the panel found that respondent engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, in violation of MCR 9.104(5); and, engaged in conduct involving a violation of the criminal law, where such conduct reflects adversely on the lawyer's fitness as a lawyer, and constituted professional misconduct under MRPC 8.4(b).

The panel ordered that respondent's license to practice law in Michigan be suspended for a period of three years. Costs were assessed in the amount of $892.38

1. The Sixth Circuit's decision affirming the lower court's decision was issued on March 31, 2025, and respondent was due to report to prison on May 20, 2025.

NOTICE OF SUSPENSION WITH CONDITIONS

Nicholas A. Tselepis, P80909, Caro, Suspension—30 Days, Effective August 27, 2025.

Based on the evidence presented at hearings held in this matter in accordance with MCR 9.115, Upper Peninsula Hearing Panel #2 found that respondent committed professional misconduct when he was involved in an investigation of a criminal matter, and subsequently, in a published letter to an editor and email to the Menominee County Democratic Party listserv, made extrajudicial statements regarding that matter that he intended to be disseminated to the citizens of Menominee County. Specifically, the panel found that respondent violated MRPC 3.6(a)(4) and (5) because his letter to the editor and email contained statements referring to a criminal matter; referenced the character, credibility, and reputation of a party and an uncharged third party; referenced inadmissible evidence of a defendant's past criminal record; and referred to the defendant's guilt without a qualifying reference to his presumption of innocence.

The Panel ordered that respondent's license to practice law in Michigan be suspended for 30 days, effective August 27, 2025, and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of $6,411.76.

1. ABA Standard 6.32 provides: "Suspension is generally appropriate when a lawyer engages in communication with an individual in the legal system when the lawyer knows that such communication is improper and causes injury or potential injury to a party or causes interference or potential interference with the outcome of the legal proceeding."

2. ABA Standard 6.23 provides that a reprimand "is generally appropriate when a lawyer negligently fails to comply with a court order or rule and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding." ABA Standard 6.24 provides that an admonition "is generally appropriate when a lawyer engages in an isolated instance of negligence in complying with a court order or rule and causes little or no actual or potential injury to a party, or causes little or no actual or potential interference with a legal proceeding."

3. Although the Formal Complaint does not specifically indicate which subsection of MRPC 3.6 is applicable, the language used references MRPC 3.6(a)(4) and (5). See Formal Complaint, paragraph 36(d).

NOTICE OF SUSPENSION AND RESTITUTION (BY CONSENT)

Doris Culver Vandenberg,[1] P56828, Fruitport Suspension—60 Days, Effective August 13, 2025.

Respondent and the Grievance Administrator filed an Amended Stipulation for Consent Order of a 60-Day Suspension and Restitution, which was approved by the Attorney Grievance Commission and accepted by Muskegon County Hearing

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ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

Panel #2. The stipulation contained respondent's no contest pleas to the factual allegations set forth in paragraphs 1-18, 20, and 23-26, and the allegations of professional misconduct set forth in paragraphs 22(b)-(e), 27(a), and 27(c), of the formal complaint. Specifically, that respondent continued to collect $100 biweekly payments from a former client long after her services had concluded, including during a time period in which her license to practice law was suspended. Pursuant to the parties' stipulation, the remaining paragraphs of the formal complaint were dismissed.

Based on respondent's no contest pleas and the amended stipulation of the parties, the panel found that respondent committed professional misconduct when she collected a clearly excessive fee, in violation of MRPC 1.5(a) [Count One]; failed to refund an unearned fee, in violation of MRPC 1.16(d) [Count One]; engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2) [Count One]; engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) [Counts One and Two]; and accepted compensation in excess of a quantum meruit basis for legal services while suspended, in violation of MCR 9.119(F) [Count Two].

In accordance with the stipulation, the panel ordered that respondent's license to practice law in Michigan be suspended for 60 days, effective August 13, 2025, and that she pay restitution totaling $22,050.00. Costs were assessed in the amount of $1,246.52.

1. Also known as: Doris Day Winters, Doris M. Winters, Doris Marie Day-Winters, Doris Culber Day, Doris Culver Day and Doris Culver Vandenberg.

2. Although the amended stipulation is titled "Amended Stipulation for Consent Order of a 60-day [sic] Suspension with Conditions," the only "conditions" relate to restitution and thus would have been more appropriately titled "Amended Stipulation for Consent Order of a 60-Day Suspension and Restitution."

ORDER OF REINSTATEMENT

On July 22, 2025, Tri-County Hearing Panel #101 entered an Order of Suspension (By Consent) in this matter, suspending respondent's license to practice law in Michigan for 30 days, effective August 1, 2025.

On August 25, 2025, respondent filed an affidavit pursuant to MCR 9.123(A), attesting that he has fully complied with all requirements of the panel's order, and will continue to comply until reinstated. Counsel for the Grievance Administrator informed the Board's staff that the Administrator has no objection to respondent's reinstatement; and the Board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that respondent, **James M. Poniewierski,** P73652, is **REINSTATED** to the practice of law in Michigan, effective Tuesday, September 2, 2025.

ORDER OF REINSTATEMENT

On February 4, 2025, Tri-County Hearing Panel #55 entered an Order of Reprimand With Condition (By Consent) in this matter reprimanding respondent, effective February 26, 2025, and ordering that he pay costs totaling $787.20 on or before February 26, 2025. Respondent failed to timely pay his outstanding costs and was automatically suspended from the practice of law in Michigan pursuant to MCR 9.128(D), effective March 14, 2025 and until the costs were paid in full, a suitable payment plan was approved by the Attorney Discipline Board, and until respondent complied with MCR 9.119 and 9.123(A). On March 26, 2025, respondent paid his outstanding costs in full and a certification of payment was issued by the Board.

On August 5, 2025, respondent filed an affidavit pursuant to MCR 9.123(A), attesting that he has fully complied with all requirements of both the panel's order and the Notice of Automatic Suspension Pursuant to MCR 9.128, and will continue to comply until and unless reinstated. Counsel for the Grievance Administrator informed the Board's staff that the Administrator has no objection to respondent's reinstatement; and the Board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that respondent, **Dustin T. Wachler,** P78656, is **REINSTATED** to the practice of law in Michigan, effective Wednesday, August 13, 2025.

40 Years of Successful Representation of Attorneys before the Attorney Grievance Commission Attorney Discipline Board

Dennis A. Dettmer, Esq

(313) 820-5752

Free Initial Consultation

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FROM THE MICHIGAN SUPREME COURT

ADM File No. 2021-29
Proposed Amendment of Rule 6.201 of the Michigan Court Rules

The Court, having given an opportunity for comment in writing and at a public hearing, again seeks public comment regarding the proposed amendment of Rule 6.201 of the Michigan Court Rules. The Court has revised the original proposal and is interested in receiving additional comments on this revised proposal.

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.201 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 6.201 Discovery

(A) [Unchanged.]
(B) Discovery of Information Known to the Prosecuting Attorney. Upon request, the prosecuting attorney must provide each defendant:
  (1) [Unchanged.]
  (2) any police report and interrogation records concerning the case, except so much of a report as:
    (a) concerns a continuing investigation;
    (b) contains any personal identifying information protected by MCR 1.109(D)(9)(a), which may be redacted;
    (c) contains information otherwise protected under MCR 6.201, which may be redacted.
  (3)-(5) [Unchanged.]
(C)-(K) [Unchanged.]

Staff Comment (ADM File No. 2021-29): The proposed amendment of MCR 6.201 would require, before providing a police report or interrogation record to the defendant, redaction of personal identifying information and information otherwise protected under the rule. The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by October 1, 2025 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at

P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2021-29. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 202501
Appointments to the Attorney Discipline Board

On order of the Court, pursuant to MCR 9.110, the following individuals are reappointed to serve on the Attorney Discipline Board for second full terms commencing on October 1, 2025 and expiring on September 30, 2028:

- Dr. Andreas Sidiropoulos (layperson member)
- Katherine M. Stanley (attorney member)
- Tish Vincent (attorney member)

In addition, Alan Gershel is reappointed to serve as chairperson and Peter Smit is reappointed to serve as vice-chairperson of the Board for terms commencing on October 1, 2025 and expiring on September 30, 2026.

ADM File No. 2025-01
Appointments to the Attorney Grievance Commission

On order of the Court, pursuant to MCR 9.108, Kendrah B. Robinson (attorney member) is reappointed to serve on the Attorney Grievance Commission for a second full term commencing on October 1, 2025 and expiring on September 30, 2028.

In addition, the following individuals are appointed to serve on the Commission for first full terms commencing on October 1, 2025 and expiring on September 30, 2028:

- Debra Kubitskey (layperson member)
- Joseph P. McGill (attorney member)

In addition, Kathleen Hickey is appointed to serve as chairperson and Kendrah B. Robinson is appointed to serve as vice-chairper-

son of the Commission for terms commencing on October 1, 2025 and expiring on September 30, 2028.

ADM File No. 2025-01
Appointments to the Commission on Well-Being in the Law

On order of the Court, pursuant to Administrative Order No. 2023-1, the following members are appointed to serve on the Commission on Well-Being in the Law for partial terms effective immediately and expiring on December 31, 2026:

- Patricia Woodruff (on behalf of Referees Association of Michigan)
- Melissa Wangler (Licensed Mental Health Professional)
- Rachel Frank (Attorney, Solo-Practitioner)

In addition, pursuant to Administrative Order No. 2023-1, Karinne Orchanian (on behalf of University of Detroit Mercy Law School) is appointed to serve on the Commission for a partial term commencing on September 3, 2025 and expiring on December 31, 2027.

In addition, pursuant to Administrative Order No. 2023-1, Justice Kyra H. Bolden is serving as the sitting Michigan Supreme Court Justice until further order of the Court.

It is further ordered, pursuant to Administrative Order No. 2023-1, that Justice Kyra.

H. Bolden will serve as chair of the Commission for a partial term effective immediately and expiring on December 31, 2025.

ADM File No. 2020-08
Proposed Amendments of Rules 1.109, 2.104, 2.107, 2.119, 3.203, and 5.105 of the Michigan Court Rules

By order dated July 26, 2021, the Court adopted and simultaneously published for comment amendments of many rules, including Rule 2.107 of the Michigan Court Rules. By order dated September 11, 2024, the Court published for comment a revised proposal that would amend Rules 2.107 and 3.203 of the Michigan Court Rules. On order of the Court, notice and an opportunity for comment having been provided on both proposals, the Court is now considering an alternative proposal that would amend Rules 1.109, 2.104, 2.107, 2.119, 3.203, and 5.105 of the Michigan Court Rules. Before determining whether any proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of this proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 1.109 Court Records Defined; Document Defined; Filing Standards; Signatures; Electronic Filing and Service; Access

(A)-(F) [Unchanged.]
(G) Electronic Filing and Service.
  (1)-(5) [Unchanged.]
  (6) Electronic-Service Process
    (a) General Provisions.
      (i) [Unchanged.]
      (ii) Service of process of all other documents electronically filed shall be accomplished electronically among authorized users through the electronic-filing system. If a party has been exempted from electronic filing or has not registered with the electronic-filing system, service shall be made on that party by any other method, except by electronic service under MCR 2.107, required by Michigan Court Rules.
      (iii)-(v) [Unchanged.]
    (b)-(c) [Unchanged.]
  (7) [Unchanged.]
(H) [Unchanged.]

Rule 2.104 Process; Proof of Service

(A) Requirements. Proof of service may be made by
  (1) written acknowledgment of the receipt of a summons and a copy of the complaint and, if applicable, the electronic service notification form required by MCR 2.107(C)(3), dated and signed by the person to whom the service is directed or by a person authorized under these rules to receive the service of process;
  (2)-(3) [Unchanged.]
(B)-(C) [Unchanged.]

Rule 2.107 Service and Filing of Pleadings and Other Documents

(A)-(B) [Unchanged.]
(C) Electronic~~Manner of~~ Service. All service by parties, except for service of process on case initiating documents, must be performed by using electronic means as provided in this subrule, unless an exception in subrule (C)(1) applies. Nothing in this subrule requires the court, friend of the court, or a nonparty to use electronic service.~~Except under MCR 1.109(G)(6)(a), service of a copy of a document on an attorney must be made by delivery or by mailing to the attorney at his or her last known business address or, if the attorney does not have a business address, then to his or her last known residence address. Except under MCR 1.109(G)(6)(a), service on a party must be made by delivery or by mailing to the party at the address stated in the party's pleadings.~~

FROM THE MICHIGAN SUPREME COURT (CONTINUED)

(1) Exceptions. The requirement to use electronic means of service does not apply if:
  (a) the party opts out as provided in subrule (C)(5),
  (b) the document being served is a money judgment,
  (c) another court rule requires a different method of service,
  (d) another court rule prohibits the use of electronic service, or
  (e) the jurisdiction in which the case is filed has implemented an electronic filing system pursuant to MCR 1.109(G) and supports e- filing and e-service for the case type at issue.

(2) Methods of Electronic Service. Electronic service under this subrule must be performed using one of the following methods:
  (a) e-mail, or
  (b) alert consisting of an e-mail or text message to log into a secure website to view notices and court papers.

(3) Notification. A party initiating a case must file and serve with the case initiation documents on all other parties a notification of electronic service on a form approved by the State Court Administrative Office. All other parties must file and serve the notification form with their responsive pleading, or if no responsive pleading is filed, at the party's or the party's attorney's first appearance. The notification form is nonpublic as that term is defined in MCR 1.109. The notification form must state:
  (a) Whether the party opts out from using electronic service due to one of the barriers specified in subrule (C)(6).
  (b) If the party is using electronic service, the notification form must also state:
    (i) The method(s) of electronic service identified in subrule (C)(2) that the party agrees to send and receive. If the party agrees to send and receive service under subrule (C)(2)(b), the party must identify the secure website.
    (ii) The email address or phone number that will be used for electronic service. Attorneys must include the same e-mail address currently on file with the State Bar of Michigan. If an attorney is not a member of the State Bar of Michigan, the email address must be the e-mail address currently on file with the appropriate registering agency in the state of the attorney's admission.
    (iii) The name(s) of other individuals designated to receive electronic service on behalf of a party.

  A party must file and serve a new notification form if the party's opt out status changes.

(4) Obligation to Update Information. Parties who are using electronic service under this subrule must immediately file with the court a new notification form and serve it on all parties if the e-mail address or phone number for service changes.

(5) The following limitations and conditions concerning electronic service apply:
  (a) Each e-mail or alert shall identify in the e-mail subject line or at the beginning of the text message the name of the court, case name, case number, and the title of each document being sent. Failure to include information required by this subrule does not render service incomplete.
  (b) Documents served electronically must be in a format that is an identical copy of what was filed with the court and must not exceed the maximum size permitted by the identified e-mail providers.
  (c) If a receiving party is unable to open a document that was served, within 24 hours of receiving the notice, the party must notify the sending party.
  (d) An electronic service transmission sent at or before 11:59 p.m. is deemed to be served on that day. If the transmission is sent on a Saturday, Sunday, legal holiday, or other day on which the court is closed pursuant to court order, it is deemed to be served on the next business day. The date and timestamp on the sender's sent email or text message is deemed the time an electronic service transmission was sent for purposes of this subrule.
  (e) Electronic service is complete upon transmission unless the party, court, or friend of the court making service receives notice that the attempted service did not reach the intended recipient. If an electronic service transmission is undeliverable or the receiving party is unable to open the document in the format sent as indicated in subrule (c), the entity responsible for serving the document must serve the document by delivery or regular mail under MCR 2.107(D), and include a copy of the return notice indicating that the electronic transmission was undeliverable. The court or friend of the court must also retain a notice that the electronic transmission was undeliverable.
  (f) If an attachment exceeds the maximum size permitted by the recipient's email provider, the party responsible for serving the document must serve the document by delivery or regular mail under MCR 2.107(D), and include a statement indicating that the electronic transmission was not possible due to its size. Service by mail or delivery is complete at the time of mailing or delivery. The court or friend of the court must also retain a notice that the electronic transmission was not possible.
  (g) Exhibits must be attached or sent and designated as separate documents.

(6) Opting Out of Electronic Service. A party may opt out from using electronic service if any of the following barriers to effective electronic service exist:

(a) the party lacks reliable access to the Internet or an electronic device that is capable of sending or receiving electronic service;

(b) the party lacks the technical ability to use and understand the methods for engaging in electronic service described in subrule (C)(2);

(c) access from a home computer system, the ability to gain access at a public computer terminal, or publication of the party's personal email address may present a safety issue for the party;

(d) the party has a disability as defined under the Americans with Disabilities Act that prevents or limits the person's ability to use the methods of electronic service identified in subrule (C)(2);

(e) the party has limited English proficiency that prevents or limits the person's ability to engage in or receive electronic service; or

(f) the party is confined by governmental authority, including but not limited to an individual who is incarcerated in a jail or prison facility, detained in a juvenile facility, or committed to a medical or mental health facility.

An attestation that one of the barriers exists under subrules (a)-(f) is sufficient to opt out of electronic service under this rule.

(7) A document served by electronic service that the court or friend of the court or their authorized designee is required to sign may be signed in accordance with MCR 1.109(E).

(8) The party, court, or friend of the court shall maintain an archived record of sent items that shall not be purged until a judgment or final order is entered and all appeals have been completed.

(9) This rule does not require the court or the friend of the court to create functionality it does not have nor accommodate more than one standard for electronic service.

(D) Except under MCR 1.109(G)(6)(a) or MCR 2.107(C)(2), service of a copy of a document on an attorney is made by delivery or by mailing to the attorney at the attorney's last known business address or, if the attorney does not have a business address, then to the attorney's last known residence address. Except under MCR 1.109(G)(6)(a) or MCR 2.107(C)(2), service on a party is made by delivery or by mailing to the party at the address stated in the party's pleadings.

(1) Delivery to Attorney. Delivery of a copy to an attorney within this rule means

(a) handing it to the attorney personally, or serving it electronically under MCR 1.109(G)(6)(a), or, MCR 2.107(C)(2)~~if agreed to by the parties, e-mailing it to the attorney as allowed under MCR 2.107(C)(4)~~;

(b)-(c) [Unchanged.]

(2) Delivery to Party. Delivery of a copy to a party within this rule means

(a) handing it to the party personally, or serving it electronically under MCR 1.109(G)(6)(a), or, MCR 2.107(C)(2)~~if agreed to by the parties, e-mailing it to the attorney as allowed under MCR 2.107(C)(4)~~; or

(b) [Unchanged.]

(3) [Unchanged.]

~~(4) Alternative Electronic Service~~

~~(a) Except as provided by MCR 1.109(G)(6)(a)(ii), the parties may agree to alternative electronic service among themselves by filing a stipulation in that case. Some or all of the parties may also agree to alternative electronic service of notices and court documents in a particular case by a court or a friend of the court by filing an agreement with the court or friend of the court respectively. Alternative electronic service may be by any of the following methods:~~

~~(i) e-mail,~~

~~(ii) text message, or~~

~~(iii) alert consisting of an e-mail or text message to log into a secure website to view notices and court papers.~~

~~(b) Obligation to Provide and Update Information.~~

~~(i) The agreement for alternative electronic service shall set forth the e-mail addresses or phone numbers for service. Attorneys who agree to e-mail service shall include the same e-mail address currently on file with the State Bar of Michigan. If an attorney is not a member of the State Bar of Michigan, the email address shall be the e-mail address currently on file with the appropriate registering agency in the state of the attorney's admission. Parties or attorneys who have agreed to alternative electronic service under this subrule shall immediately notify, as required, the court or the friend of the court if the e-mail address or phone number for service changes.~~

~~(ii) The agreement for service by text message or text message alert shall set forth the phone number for service. Parties or attorneys who have agreed to service by text message or text message alert under this subrule shall immediately notify, as required, the court or the friend of the court if the phone number for service changes.~~

~~(c) The party or attorney shall set forth in the agreement all limitations and conditions concerning e-mail or text message service, including but not limited to:~~

~~(i) the maximum size of the document that may be attached to an e-mail or text message,~~

(ii) designation of exhibits as separate documents,

~~(iii) the obligation (if any) to furnish paper copies of e-mailed or text message documents, and~~

~~(iv) the names and e-mail addresses of other individuals in the office of an attorney of record designated to receive e-mail service on behalf of a party.~~

~~(d) Documents served by e-mail or text message must be in PDF format or other format that prevents the alteration of the document contents. Documents served by alert must be in PDF format or other format for which a free downloadable reader is available.~~

FROM THE MICHIGAN SUPREME COURT (CONTINUED)

~~(e) A document served by alternative electronic service that the court or friend of the court or his or her authorized designee is required to sign may be signed in accordance with MCR 1.109(E).~~

~~(f) Each e-mail or text message that transmits a document or provides an alert to log in to view a document shall identify in the e-mail subject line or at the beginning of the text message the name of the court, case name, case number, and the title of each document being sent.~~

~~(g) An alternative electronic service transmission sent at or before 11:59 p.m. shall be deemed to be served on that day. If the transmission is sent on a Saturday, Sunday, legal holiday, or other day on which the court is closed pursuant to court order, it is deemed to be served on the next business day.~~

~~(h) A party or attorney may withdraw from an agreement for alternative electronic service by notifying the party or parties, court, and the friend of the court, as appropriate, in writing and shall take effect immediately.~~

~~(i) Alternative electronic service is complete upon transmission, unless the party, court, or friend of the court making service learns that the attempted service did not reach the intended recipient. If an alternative electronic service transmission is undeliverable, the entity responsible for serving the document must serve the document by regular mail under MCR 2.107(C)(3) or by delivery under MCR 2.107(C)(1) or (2), and include a copy of the return notice indicating that the electronic transmission was undeliverable. The court or friend of the court must also retain a notice that the electronic transmission was undeliverable.~~

~~(j) The party, court, or friend of the court shall maintain an archived record of sent items that shall not be purged until a judgment or final order is entered and all appeals have been completed.~~

~~(k) This rule does not require the court or the friend of the court to create functionality it does not have nor accommodate more than one standard for alternative electronic service.~~

~~(l) The party or attorney requesting electronic service under this subrule is required to submit a request to initiate, update, modify, or withdraw from electronic service to the court independently from the friend of the court office.~~

(D)-(F) [Relettered (E)-(G) but otherwise unchanged.]

~~(G) Notwithstanding any other provision of this rule, until further order of the Court, all service of process except for case initiation must be performed using electronic means (eFiling where available, email, or fax, where available) to the greatest extent possible. Email transmission does not require agreement by the other party(s) but should otherwise comply as much as possible with the provisions of subsection (C)(4).~~

Rule 2.119 Motion Practice

(A)-(B) [Unchanged.]

(C) Time for Service and Filing of Motions and Responses.

(1) Unless a different period is set by these rules or by the court for good cause, a written motion (other than one that may be heard ex parte), notice of the hearing on the motion, and any supporting brief or affidavits must be served as follows:

(a) [Unchanged.]

(b) at least 7 days before the time set for the hearing, if served by delivery under MCR 2.107(C)~~(1), or (2),~~ MCR 2.107(D), or MCR 1.109(G)(6)(a).

(2) Unless a different period is set by these rules or by the court for good cause, any response to a motion (including a brief or affidavits) required or permitted by these rules must be served as follows:

(a) [Unchanged.]

(b) at least 3 days before the hearing, if served by delivery under MCR 2.107(C)~~(1), or (2),~~ MCR 2.107(D), or MCR 1.109(G)(6)(a).

(3)-(4) [Unchanged.]

(D)-(G) [Unchanged.]

Rule 3.203 Service of Notice and Court Documents in Domestic Relations Cases

(A) Manner of Service. Unless otherwise required by court rule or statute, the case initiating documents and, if applicable, the electronic service notification form required by MCR 2.107(C)(3) must be served pursuant to MCR 2.105. In cases in which the court retains jurisdiction

(1)-(2) [Unchanged.]

(3) ~~Alternative~~ Electronic Service.

(a) A party or an attorney may file an agreement with the friend of the court to authorize the friend of the court to serve notices and court papers on the party or attorney in accordance with MCR 2.107(C)~~(4)~~. However, the friend of the court must not use electronic service if federal law, state law, or court rule:

(i) prohibits the document from being served electronically in a form that complies with other court rules governing the document, or

(ii) requires restrictions that make it less likely the recipient can receive or open the document.

(b) A party filing a post-judgment motion must file with the

motion a new notification form required under MCR 2.107(C)(3).

(c) A party at any time may opt out from using electronic service by filing a new notification form required under MCR 2.107(C)(3) and serving it on the other party.

(d) When a party opts out of electronic service, no case documents may be served electronically.

(B)-(J) [Unchanged.]

Rule 5.105 Manner and Method of Service

(A) Manner of Service.

(1) [Unchanged.]

(2) Unless another method of service is required by statute, court rule, or special order of a probate court, service may be made:

(a) [Unchanged.]

(b) by electronic service in accordance with MCR 1.109(G)(6)(a) or MCR 2.107(C), as applicable.

Foreign consul and the Attorney General may be served by mail or by electronic service in accordance with MCR 1.109(G)(6)(a) or MCR 2.107(C), as applicable.

(3)-(4) [Unchanged.]

(B) Method of Service.

(1) Personal Service.

(a) On an Attorney. Personal service of a document on an attorney must be made by

(i)-(ii) [Unchanged.]

(iii) if the office is closed or the attorney has no office, by leaving it at the attorney's usual residence with some person of suitable age and discretion residing there; ~~or~~

(iv) sending the document by registered mail or certified mail, return receipt requested, and delivery restricted to the addressee; but service is not made for purpose of this subrule until the attorney receives the document.; or

(v) sending the document electronically in accordance with MCR 1.109(G)(6) or MCR 2.107(C), as applicable.

(b) On Other Individuals. Personal service of a document on an individual other than an attorney must be made by

(i) [Unchanged]

(ii) leaving it at the person's usual residence with some person of suitable age and discretion residing there; ~~or~~

(iii) sending the document by registered mail or certified mail, return receipt requested, and delivery restricted to the addressee; but service is not made for purpose of this subrule until the individual receives the document.; or

(iv) sending the document electronically in accordance with MCR 1.109(G)(6) or MCR 2.107(C), as applicable.

(c) [Unchanged.]

(2)-(3) [Unchanged]

~~(4) E-mail. Unless otherwise limited or provided by this court rule or MCR 1.109(G)(6)(a)(ii), parties to a civil action or interested persons to a proceeding may agree to service by e-mail in the manner provided in and governed by MCR 2.107(C)(4).~~

(45) Electronic Service. Electronic service of a document shall be made in accordance with MCR 1.109(G)(6)(a) or MCR 2.107(C) when required.

(C)-(E) [Unchanged.]

Staff Comment (ADM File No. 2020-08): The proposed amendments of MCR 1.109, 2.104, 2.107, 2.119, 3.203, and 5.105 would, subject to an opting-out procedure, clarify the use of electronic service when MiFILE is not available in the court or for the particular case type.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by January 1, 2026 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at

P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2020-08. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 2023-23
Proposed Amendments of Rules 3.942 and 3.972 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering amendments of Rules 3.942 and 3.972 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

FROM THE MICHIGAN SUPREME COURT (CONTINUED)

Rule 3.942 Trial

(A)-(C) [Unchanged.]

(D) Bench Trial. In an action tried without a jury, the juvenile may make a motion pursuant to MCR 6.419(D) at the close of the prosecutor's case-in-chief.

(ED) Verdict. In a delinquency proceeding, the verdict must be guilty or not guilty of either the offense charged or a lesser included offense. At a trial without a jury, the court must state on the record or in a written opinion its findings of fact and conclusions of law.

Rule 3.972 Trial

(A)-(D) [Unchanged.]

(E) Bench Trial. In an action tried without a jury, a respondent may make a motion pursuant to MCR 2.504(B)(2) at the close of the petitioner's case-in-chief.

(FE) Verdict. In a child protective proceeding, the verdict must be whether one or more of the statutory grounds alleged in the petition have been proven. At a trial without a jury, the court must state on the record or in a written opinion its findings of fact and conclusions of law.

(F)-(G) [Relettered (G)-(H) but otherwise unchanged.]

Staff Comment (ADM File No. 2023-23): The proposed amendments of MCR 3.942 and 3.972 would, in delinquency and child protective proceeding bench trials, require the court to make findings of fact and conclusions of law and allow for the equivalent of a directed verdict.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by January 1, 2026 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2023-23. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 2023-39 Proposed Amendment of Rule 7.215 of the Michigan Court Rule]s

On order of the Court, this is to advise that the Court is considering an amendment of Rule 7.215 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 7.215 Opinions, Orders, Judgments, and Final Process for Court of Appeals

(A)-(B) [Unchanged.]

(C) Precedent of Opinions.

(1) An unpublished opinion is not precedentially binding under the rule of stare decisis. Unpublished opinions should not be cited for propositions of law for which there is published authority. If a party cites an unpublished opinion, the party must explain the reason for citing it and how it is relevant to the issues presented. ~~A party who cites an unpublished opinion must provide a copy of the opinion to the court and to opposing parties with the brief or other~~ paper ~~in which the citation appears.~~

(2) [Unchanged.]

(D)-(J) [Unchanged.]

Staff Comment (ADM File No. 2023-39): The proposed amendment of MCR 7.215 would eliminate the requirement that parties provide copies of unpublished opinions cited in briefs filed in the Court of Appeals. The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by January 1, 2026 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2023-39. Your comments and the comments of others will be posted under the chapter affected by this proposal.

MICHIGAN SUPREME COURT
NOTICE OF PUBLIC ADMINISTRATIVE HEARING

Pursuant to Administrative Order No. 1997-11, the Michigan Supreme Court will hold a public administrative hearing on **Thursday, September 25, 2025**. Speakers may appear by videoconference (Zoom); attendees who are not speaking may view the livestream on the Court's YouTube channel.

Information About Speaking at the Public Hearing:

- Please note that the time for this public hearing is later than usual. The hearing will begin promptly at **1:00 p.m.** Speakers will join the videoconference meeting no later than 1:00 p.m. and will be called on by the Chief Justice.
- Speakers will be allotted three minutes each to present their views on each agenda item for which the person registered, after which the speakers may be questioned by the Justices.
- Please be aware that comments offered at a public hearing must pertain directly to an item on the public hearing agenda.

Registration Information:

- To reserve a place on the agenda, please complete the registration form online no later than Friday, September 19, 2025 at 5:00 p.m. If you are not able to register online, you may e-mail or call the Office of Administrative Counsel at ADMComment@courts.mi.gov or 517-373-1239.
- A few days before the hearing, speakers will receive an invitation to participate in the Zoom meeting.
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