

Important omission

To the Editor:

I noticed that Marjorie McGowan was not mentioned in the article, “A Tribute to Firsts: Black Female Lawyers in Michigan” in the May 2018 Women in the Law issue of the *Michigan Bar Journal*. McGowan helped rewrite Michigan’s last constitution. Of the 144 delegates to the 1961–1962 Michigan Constitutional Convention, 11 were women (a/k/a the Con Con 11) and 13 were Black. It was the first time women and African Americans helped rewrite Michigan’s highest law.

Lynn Liberato
St. Clair Shores

Superb knowledge, superb writing

To the Editor:

Michael B. Stewart’s Best Practices column on intellectual property, “If You Snooze, You Lose: Protecting Creativity,” in the September 2018 issue of the *Michigan Bar Journal* is outstanding. Although I’m not a registered patent attorney, my knowledge of intellectual property law permits me to state that each paragraph contains a bevy of accurate information.

It is not only his master’s degree in aerospace engineering that stands out, but also his master’s in English. Stewart’s command of the English language in this context is superb. If you don’t believe me, go back and reread his article—including the endnotes—to see what you have missed.

James A. Johnson
Southfield

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Trial lawyers revisited

To the Editor:

I read with great interest the thoughtful and accurate article by Wood R. Foster Jr. on the extinction of the trial lawyer (“How ‘Trial Lawyer’ Became an Oxymoron: A Lament for the Disappearance of Civil Jury Trials,” October 2018 *Michigan Bar Journal*). I agree that most civil rules and pressures are on settlement. It’s hard to find a civil trial to watch anymore or, more importantly, great civil attorneys practicing their craft in the ultimate test in our profession—the battle known as a jury trial.

However, I have always been a little miffed that the real trial lawyers—the ones who do in fact try cases regularly, prosecutors and criminal defense attorneys—are usually left out of the categories of “trial lawyers” or “great trial lawyers.”

I am a career prosecutor but, bias aside, it is a well-known fact that criminal cases make up the vast majority of the docket, which means that, naturally, more trials would occur. But regardless of the fact that there are more cases and trials in criminal court, some of the best mentors and trial lawyers I have seen were trying criminal cases—most as prosecutors, though many have been criminal defense attorneys—and I don’t think we get the credit we deserve.

The notion seems to exist in the civil world that prosecutors and defense attorneys aren’t real trial lawyers. In one county where I used to work, the local Trial Lawyers Association barred prosecutors from being members! Yet it is prosecutors who are in courtrooms regularly, know the rules of evidence cold, and have to prove cases beyond a reasonable doubt (the highest standard of proof in our system). Prosecutors make the difference between liberty and incarceration, between justice and injustice (for both victims and defendants), and sometimes carry the weight and burden of a defendant’s life in their hands.

Rarely do I see prosecutors or criminal defense attorneys acknowledged as “Super Lawyers,” “Best Lawyers,” or supreme “Trial Lawyers.” As in every profession, of course, some are better than others. But they are the ones in the courtroom trying cases, making a difference, and bringing about justice every day in a very real sense. Some of the finest trial lawyers you will ever see are on the criminal side of the courtroom and deserve to be recognized and not left out of the conversation. And yes, we criminal trial lawyers are still trying cases. If you want to see high-stakes drama, come watch a murder or criminal sexual conduct trial on the criminal side.

Stuart L. Fenton
Petoskey



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, and is compounded annually.

For a complaint filed after December 31, 1986, the rate as of July 1, 2018 is 3.687 percent. This rate includes the statutory 1 percent.

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

- (1) 13 percent a year, compounded annually; or
- (2) 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 <http://courts.mi.gov/Administration/SCAO/Resources/Documents/other/interest.pdf>.

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