



# Michigan Appellate Bench Bar Conference Foundation

May 11–13, 2022



The Inn at St. John's Conference Center, 44045 Five Mile Rd., Plymouth, MI 48170



# Onsite Schedule

## Michigan Appellate Bench Bar Conference

May 11 – 13, 2022

### The Inn at St. John's Conference Center

44045 5 Mile Rd, Plymouth, MI 48170  
(734) 414-0600

### Mission Statement

*Our mission is to improve the administration of appellate justice in Michigan through conferences designed to encourage an exchange of ideas among Michigan appellate lawyers, judges, and court staff. The Michigan Appellate Bench Bar Conference Foundation believes that this interchange of ideas allows for participants to learn how to better perform their roles in the process and collectively to improve it.*

### Schedule of Events

#### Wednesday, May 11, 2022

5:30-7:00 p.m. **Grand Reception** - *Judea – First Floor*

#### Thursday, May 12, 2022

8:30 a.m. **Registration** - *Garden Gallery - First Floor*

8:30-9:00 a.m. **Continental Breakfast** – *Garden Gallery – First Floor*

9:00-9:15 a.m.

#### **Welcome**

Justice Brian K. Zahra, *Michigan Supreme Court*  
Chief Judge Elizabeth L. Gleicher, *Michigan Court of Appeals*  
Co-Chairs: Phillip DeRosier, *Dickinson Wright PLLC* and  
Matthew Nelson, *Warner Norcross & Judd LLP*  
*Grande Ballroom – First Floor*

9:15-10:30 a.m.

**Plenary – “Lessons Learned From the Pandemic: May it please the (virtual) court?”**  
*Grande Ballroom – First Floor*

**Panel:** Hon. Brock Swartzle, *Michigan Court of Appeals*, Hon. David Sawyer, *Michigan Court of Appeals*, Larry Royster, *Michigan Supreme Court*, Jordan Ahlers, *Speaker Law Firm PLLC*, Mary Massaron, *Plunkett Cooney*, and Bradley Hall, *State Appellate Defender’s Office*

**Moderators:** Nancy Vayda Dembinski, *Landry Mazzeo & Dembinski PC*, and Stefanie Reagan, *Hickey Hauck Bishoff & Jeffers*

**Reporter:** US Legal Support

10:30-11:00 a.m.

**Refreshment Break** – *Throughout Hotel*

11:00-12:15 p.m.

**Plenary Break Out Sessions**

**Break Out 1 - Moderator:** Joanne Geha Swanson, *Kerr Russell & Weber PLC*

**Reporter:** Liz Parker, *Kostopoulos Rodriguez PLLC*,  
*Executive Board Room - First Floor*

**Thursday, May 12, 2022, 11:00-12:15 p.m. Continued**

**Break Out 2 - Moderator:** Joe Richotte, *Butzel Long PC*  
**Reporter:** Timothy Smith, *Warner Norcross & Judd LLP*  
*Nazareth - First Floor*

**Break Out 3 - Moderator:** Stephanie Douglas, *Bush Seyferth & Paige PLLC*  
**Reporter:** Kevin McQuillan, *Kerr Russell & Weber PLC*  
*Ruth - 2nd Floor*

**Break Out 4 - Moderator:** David Porter, *Kienbaum Hardy Viviano Pelton Forrest*  
**Reporter:** Jennifer Alberts, *Speaker Law Firm PLLC*  
*Sarah - 2nd Floor*

**Break Out 5 - Moderator:** Adam Ratliff, *Warner Norcross & Judd LLP*  
**Reporter:** Marcelyn Stepanski, *Johnson Rosati Schultz & Joppich PC*  
*Esther - 2nd Floor*

**Break Out 6 - Moderator:** Conor Dugan, *Warner Norcross & Judd LLP*  
**Reporter:** Jason Killips, *Brooks Wilkins Sharkey & Turco PLLC*  
*Kings II - Lower Level*

**Break Out 7 - Moderator:** Jacqueline Klima, *Kerr Russell & Weber PLC*  
**Reporter:** Ashley Chrysler, *Warner Norcross & Judd LLP*  
*Judith - 2nd Floor*

**Break Out 8 - Moderator:** Derek Linkous, *Bush Seyferth PLLC*  
**Reporter:** Karen Beach, *Tanoury Nauts McKinney & Dwaihy PLLC*  
*Samuels - Lower Level*

**Break Out 9 - Moderator:** Susan McKeever, *Bush Seyferth & Paige PLLC*  
**Reporter:** Robert Riley, *Honigman LLP*  
*Kings I - Lower Level*

**Break Out 10 - Moderator:** Ann Sherman, *Michigan Dept. of Attorney General*  
**Reporter:** Stephanie Arndt, *Vandever Garzia PC*  
*Wisdom - Lower Level*

**Break Out 11 - Moderator:** Stephanie Simon Morita, *Rosati Schultz Joppich & Amtsbuechler PC*  
**Reporter:** Laura Genovich, *Foster Swift Collins & Smith PC*  
*Joseph – 2<sup>nd</sup> Floor*

12:30-2:00 p.m. **DeWitt C. Holbrook Memorial Fund Luncheon – Grande Ballroom – First Floor**  
**Speaker:** Honorable Joan L. Larsen, *US Court of Appeals, Sixth Circuit*  
**Reporter:** US Legal Support

2:15-3:30 p.m. **Law Practice Breakout Sessions**

**Criminal**

**All You Wanted to Know About the Sex Offenders Registration Act (SORA) but Were Afraid to Ask**

*Executive Board Room – Main Level*

**Moderators:** Jessica Zimbelman, *State Appellate Defender Office*  
and Danielle Walton, *Oakland County Prosecutor's Office*

**Reporter:** Rasheed Gilmer, *State Appellate Defender Office*

**Continuing Issues for Sentencing Juveniles Convicted of First Degree Murder Pursuant to MCL 769.25**

*Nazareth - First Floor*

**Moderator:** Tina Olson, *State Appellate Defender Office*  
and James Benison, *Kent County Prosecutor's Office*

**Reporter:** Linus Banghart-Linn, *Michigan Dept of Attorney General*

**Court Rule Changes Important for Criminal Appellate Practice**

*Ruth – 2<sup>nd</sup> Floor*

**Moderators:** Bradley Hall, *State Appellate Defender's Office*  
and Jon Wojtala, *Wayne County Prosecutor's Office*

**Reporter:** Jason Eggert, *State Appellate Defender Office*

**There's an Expert for That**

*Sarah – 2<sup>nd</sup> Floor*

**Moderators:** Imran Syed, *Michigan Innocence Clinic University of Michigan Law School*  
and Emil Semaan, *Macomb County Prosecutor's Office*

**Reporter:** Eric Restuccia, *Michigan Department of Attorney General*

**Civil**

**Writing Persuasive Briefs**

*Esther – 2<sup>nd</sup> Floor*

**Moderator:** Mark Bendure, *Bendure & Thomas*

**Reporter:** Brandon Schumacher, *Foster Swift Collins & Smith PC*

**Applications for Leave to Appeal**

*Kings II – Lower Level*

**Court of Appeals Judges - Hon. Amy Ronayne Krause and Hon. Thomas Cameron**  
**Supreme Court Commissioner – Daniel Brubaker**

**Court of Appeals Commissioner – Julie Isola Ruecke**

**Moderator:** Barbara Goldman, *Barbara H. Goldman, PLLC*

**Reporter:** Susan McKeever, *Bush Seyferth & Paige PLLC*

Thursday, May 12, 2022, 2:15-3:30 p.m. Continued

**Civil**

**Reply Briefs: The Last Word**

*Judith – 2<sup>nd</sup> Floor*

**Moderator:** Michael Cook, *Collins Einhorn Farrell PC*

**Reporter:** Fawzeh Daher, *Collins Einhorn Farrell PC*

**Motion Practice in the Court of Appeals**

*Samuels – Lower Level*

**Moderators:** Trent Collier, *Collins Einhorn Farrell PC*

**Reporter:** Lindsey Peck, *Collins Einhorn Farrell PC*

2:15-3:30 p.m.

**Family**

**The Search for Clarity on Post Judgment Final Orders**

*Kings I – Lower Level*

**Moderators:** Scott Bassett, *Virtual Appellate Family Law Attorney*

**Reporter:** Melissa Kelleigh, *Kelleigh Family Law PLLC*

**Child Welfare**

**Top 20 Child Welfare Cases Everyone Should Know**

*Wisdom – Lower Level*

**Moderator:** Rita White, *Law Office of Rita O. White*

**Reporter:** Evelyn Calogero, *Evelyn K. Calogero PLC*

3:30-4:00 p.m.

**Refreshment Break – Throughout Hotel**

4:00-5:15 p.m.

**Law Practice Breakout Sessions**

**Criminal**

**Oyez+**

*Executive Board Room – Main Level*

**Moderators:** Angeles Menses, *SADO-Assistant Defender*  
and Aaron Mead, *Berrien County Prosecutor's Office*

**Reporter:** Lindsay Ponce, *State Appellate Defender Office*

**Pandemic Implications on Due Process and Criminal Practice**

*Nazareth - First Floor*

**Moderator:** Adrienne Young, *State Appellate Defender Office*  
and Brent Morton, *Eaton County Prosecutor's Office*

**Reporter:** Christopher Allen, *Michigan Attorney General*

Thursday, May 12, 2022, 4:00-5:15 p.m. Continued

**Criminal**

**All You Wanted to Know About the Sex Offenders Registration Act (SORA) but Were Afraid to Ask**

*Ruth – 2<sup>nd</sup> Floor*

**Moderators:** Jessica Zimbelman, *State Appellate Defender Office* and Danielle Walton, *Oakland County Prosecutor's Office*

**Reporter:** Rasheed Gilmer, *State Appellate Defender Office*

**Continuing Issues for Sentencing Juveniles Convicted of First Degree Murder Pursuant to MCL 769.25**

*Sarah – 2<sup>nd</sup> Floor*

**Moderators:** Tina Olson, *State Appellate Defender Office* and Jim Benison, *Kent County Prosecutor's Office*

**Reporter:** Linus Banghart-Linn, *Michigan Dept of Attorney General*

4:00-5:15 p.m.

**Civil**

**Effective Oral Argument**

*Esther – 2<sup>nd</sup> Floor*

**Moderator:** Beth Wittmann, *Kitch Drutchas Wagner Valitutti & Sherbrook*

**Reporter:** Katharine Gostek, *Kitch Drutchas Wagner Valitutti & Sherbrook*

***Amicus Curiae Practice***

*Kings II – Lower Level*

**Moderator:** David Porter, *Kienbaum, Hardy, Viviano, Pelton & Forrest*

**Reporter:** Erin Rodenhouse, *Collins Einhorn Farrell PC*

**Writing Persuasive Briefs**

*Judith – 2<sup>nd</sup> Floor*

**Moderator:** Joanne Geha Swanson, *Kerr Russell & Weber PLC*

**Reporter:** Patricia Schabath, *Kerr Russell & Weber PLC*

**Applications for Leave to Appeal**

*Samuels – Lower Level*

**Moderator:** Jacqueline Klima, *Kerr Russell & Weber PLC*

**Reporter:** Haley Paschen, *Novara, Tesija, Catenacci, McDonald, & Baas PLLC*

4:00-5:15 p.m.

**Family**

**Immediate Action Required! Appealing *Ex Parte*, Temporary, and Interim Orders**

*Kings I – Lower Level*

**Moderators:** Liisa Speaker, *Speaker Law Firm PLLC*

**Reporter:** Rebecca Shiemke, *Michigan Poverty Law Program*

**Thursday, May 12, 2022, 4:00-5:15 p.m. Continued**

4:00-5:15 p.m.

**Child Welfare**

**The Indian Child Welfare Act (ICWA) After the Fifth Circuit's *En Banc* Decision in *Brackeen v Zinke***

*Wisdom – Lower Level*

**Moderator:** Paula Aylward, *Allegiant Legal PC*

**Reporter:** Joshua Pease, *The Kronzek Firm PLC*

6:00 p.m.

**Reception 6:00-7:00 p.m. and Dinner 7:00– Atrium – Lower Level**

**Friday, May 13, 2022**

7:30-2:00 p.m.

**Registration - Garden Gallery - First Floor**

8:00-9:00 a.m.

**Continental Breakfast – Garden Gallery – First Floor**

9:00-10:00 a.m.

**Plenary: Supreme Court Practice Tips**

*Grande Ballroom – First Floor*

**Panel:** Chief Justice Bridget Mary McCormack, Justice Brian K. Zahra, Justice David F. Viviano, Justice Richard Bernstein, Justice Elizabeth T. Clement, Justice Megan K. Cavanagh, Justice Elizabeth M. Welch

**Moderator:** Gaëtan Gerville-Réache, *Warner Norcross + Judd*

**Reporter:** US Legal Support

10:00-10:30 a.m.

**Refreshment Break – Throughout Hotel**

10:30-11:45 p.m.

**Law Practice Breakout Sessions**

**Criminal**

**Court Rule Changes Important for Criminal Appellate Practice**

*Executive Board Room – Main Level*

**Moderators:** Brad Hall, *State Appellate Defender Office* and Jon Wojtala, *Wayne County Prosecutor's Office*

**Reporter:** Jason Eggert, *State Appellate Defender Office*

**There's an Expert for That**

*Nazareth - First Floor*

**Moderators:** Imran Syed, *University of Michigan Law School* and Emil Semaan, *Macomb County Prosecutor's Office*

**Reporter:** Eric Restuccia, *Dept of Attorney General*

Friday, May 13, 2022, 10:30-11:45 a.m. Cont.

**Criminal**

**Oyez+**

*Ruth – 2<sup>nd</sup> Floor*

**Moderators:** Angeles Meneses, *State Appellate Defender Office* and Aaron Mead, *Berrien County Prosecuting Attorney's Office*

**Reporter:** Lindsay Ponce, *State Appellate Defender Office*

10:30-11:45 a.m.

**Civil**

**Reply Briefs: The Last Word**

*Sarah – 2<sup>nd</sup> Floor*

**Moderators:** Jonathan Koch, *Smith Haughey Rice Roegge*

**Reporter:** Josephine DeLorenzo, *Plunkett Cooney*

**Motion Practice in the Court of Appeals**

*Esther – 2<sup>nd</sup> Floor*

**Moderator:** Christina Ginter, *Kitch Drutchas Wagner Valitutti & Sherbrook*

**Reporter:** Laura Genovich, *Foster Swift Collins & Smith PC*

**Effective Oral Argument**

*Kings II – Lower Level*

**Moderator:** Gaëtan Gerville-Réache, *Warner Norcross + Judd*

**Reporter:** Hilary Ballentine, *Plunkett Cooney*

***Amicus Curiae Practice***

*Judith – 2<sup>nd</sup> Floor*

**Moderator:** Jill Wheaton, *Dykema Gossett PLLC*

**Reporter:** Mark Magyar, *Dykema Gossett PLLC*

**Family**

**Rapid Fire Family Law Wrap Up**

*Samuels – Lower Level*

**Moderators:** Anne Argiroff, *Anne Argiroff PLC*

**Reporter:** Kevin Gentry, *Gentry Nalley PLLC*



Friday, May 13, 2022, 10:30-11:45 a.m. Cont.

10:30 – 11:45 a.m.     **Child Welfare**

**Reasonable Efforts, Appeals from Removal Orders, and What To Do With Invalid Pleas Following *Ferranti and Pederson*?**

*Kings I -Lower Lever*

**Moderator:** Lesley Fairrow, *Michigan Dept. of Attorney General*

**Reporter:** Lori Herr, *Heisler Law Office*

**Child Welfare**

**Giving the Child a Voice on Appeal: The Importance of the LGAL’s Participation in Appeals**

*Wisdom – Lower Level*

**Moderators:** Lynda McGhee, *Co-Chief Executive Officer, Michigan Children's Law Center*

**Reporter:** Paula Aylward, *Allegiant Legal, PC*

12:00-1:00 p.m.     **Dewitt C. Holbrook Memorial Fund Luncheon – Grande Ballroom – First Floor**

1:00-2:00 p.m.     **Plenary – “Hear Ye, Hear Ye: Remote Oral Arguments in the Court of Appeals.”**  
*Grande Ballroom – First Floor*

**Panel:** Hon. Amy Ronayne Krause, *Michigan Court of Appeals*

Jerry Zimmer, *Michigan Court of Appeals*

Beth Wittmann, *Kitch Drutchas Wagner Valitutti & Sherbrook*

Jessica Zimbelman, *State Appellate Defender Office*

Scott Bassett, *Virtual Appellate Family Law Attorney*

Vivek Sankaran, *University of Michigan Law School*

**Moderator:** Barbara Goldman, *Barbara H. Goldman, PLLC*

**Reporter:** US Legal Support