



**Michigan Appellate Bench
Bar Conference Foundation**

May 14-16, 2025

**Michigan Appellate
Bench Bar Conference**

Saint John's Resort, 44045 Five Mile Rd., Plymouth, MI 48170



May 14 – 16, 2025
Saint John's Resort
44045 5 Mile Rd, Plymouth, MI 48170
(734) 414-0600

Michigan Appellate Bench Bar Conference

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.

Get Started

1. Review the brochure and identify sessions of interest to you
2. Share this brochure with colleagues
3. Complete the form in the back of the brochure
4. Add the program to your calendar

Schedule of Events

Wednesday, May 14, 2025

5:30 - 7:00 p.m. **Grand Reception** - Atrium Ballroom
An opportunity to socialize with justices, judges, court staff, and practitioners.

Thursday, May 15, 2025

8:30 a.m.- 4:00 p.m. **Registration** - Garden Gallery

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

9:00-9:15 a.m. **Welcome** - Grand Ballroom
Phillip DeRosier, Dickinson Wright

9:15-10:30 a.m. **Plenary – Court of Appeals Practice and Procedures: What You Don't Know Can Kill You(r) Appeal**
Collective bench/bar discussion of Court of Appeals practice and procedures that every appellate practitioner should know.

10:30-11:00 a.m. **Refreshment Break**

11:00-12:15 p.m. **Plenary – Court of Appeals Practice and Procedures: What You Don't Know Can Kill You(r) Appeal) Break Out Sessions**
These breakout sessions will provide an opportunity for members of the bench and bar to further explore issues raised in the plenary session.

12:30-2:00 p.m. **DeWitt C. Holbrook Memorial Fund Luncheon** – Grand Ballroom
Speaker: Ross Guberman, Legal Writing Pro LLC

2:15-3:30 p.m. **Law Practice Breakout Sessions**
The breakouts will be participatory — not traditional lectures. This is what makes the bench bar conference unique. All who attend the breakouts will be encouraged to participate in the discussion

Thursday, May 15, 2025, Continued

2:15-3:30 p.m.

Law Practice Breakout Sessions

Criminal

Appellate Lawyers Navigating Trial Territory

Over recent years, there has been a surge of motions for new trial and evidentiary hearings in the trial courts. In this session, we will discuss how recent changes to MCR 7.208 along with increased defense access to experts and investigators on appeal has changed appellate practice for criminal practitioners, and how to avoid pitfalls during Ginther hearings. **Executive Board Room**

Criminal

Understanding Wrongful Convictions from the Appellate Bench and Bar

Our system is built on the idea that it is better to let 10 guilty people go free than to convict one innocent person. Yet, the reality is that some number of innocent people are convicted in our state. A single innocent person who is convicted is too many. In response, Conviction Integrity Units are becoming a staple in prosecutor offices while defender offices continue to litigate actual innocence in direct appeals and in post-conviction proceedings. In this session, we will discuss what we've learned about our role in preventing wrongful convictions and how these issues continue to shape criminal legal practice in the state. **The Abbey**

Criminal

Preservation! Waiver! Forfeiture! Oh my!

Whether an issue was properly preserved for appellate review often leads to differing views between the prosecution and defense. Standards of review and issues of preservation are ripe areas for advocacy and litigation. In this session, we will discuss how appellate practitioners and judges are approaching these issues and how to avoid common pitfalls. **Library Conference Room C**

Criminal

Posey's Implication on Appellate Sentencing Review

In *People v Posey*, the Michigan Supreme Court held that within-guideline sentences are subject to appellate review for proportionality. This ruling increases the use of sentencing mitigation and calls into question what impact decisions like *People v Boykin* and *People v Tate* have for reviewing sentences imposed against young people. In this session, we will discuss whether the appellate landscape has altered sentencing review on appeal. **Library Conference Room D**

Civil

The Ins and Outs of Stays on Appeal

In Michigan courts, the automatic stay on execution of a judgment only lasts until the deadline for filing a claim of appeal. How do you obtain a stay of a judgment so that you can pursue an appeal? What is the process for obtaining a stay bond? What are the alternatives to an appeal bond that provide sufficient security for a Michigan court to stay enforcement of a judgment during an appeal? Under what circumstances would plaintiffs' counsel accept less than a bond or security for at least 110% of the judgment amount? **Library Conference Room A**

Civil

Adding Value: The Benefits of Embedded Appellate Counsel at Trial and Tips for Success.

Typically, appellate counsel joins a case only after final judgment, taking over the reins for the post-judgment motion practice and the appellate proceedings. But, more clients and trial counsel are recognizing that it is never too early for appellate counsel to play a key role during trial. An embedded appellate lawyer can bring a fresh perspective to a case and help posture a party's case for success at trial and beyond by identifying critical legal issues and establishing the best record for appeal. And with help from appellate counsel on critical filings like motions in limine, expert challenges, jury instructions, verdict forms, and directed-verdict motions, trial counsel can focus on what they do best: try the case. This breakout session will explore the value of embedded appellate counsel and the keys to success for an appellate attorney at trial, both from the perspective of the bench and the bar. **The Atrium Parlor**

Thursday, May 15, 2025, Continued

2:15-3:30 p.m.

Law Practice Breakout Sessions

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The Latest in Effective Brief Writing

This session will discuss new trends in brief writing, including structuring and presentation for briefs that are almost universally reviewed on electronic devices. It will also include how to shape the facts, working with a complex record, formulating arguments and making a forceful case for the relief requested. You will also learn tips, hacks, and best practices for formatting briefs, creating tables, and how to handle exhibits and unconventional record items. **Library Conference Room B**

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Writing Effective Applications for Leave to Appeal in the Court of Appeals

There are significant differences between applications for leave to appeal in the Supreme Court and the Court of Appeals. In the Supreme Court, whether an application is granted depends upon how important the issues raised by the case are to the jurisprudence of the state. But the Court of Appeals applies different criteria for determining whether to grant leave, especially on an interlocutory basis. In this session, you will learn the types of issues that the Court of Appeals is likely to review and decide on application, what the Court of Appeals judges consider when deciding applications for leave to appeal, and when the Court of Appeals is unlikely to grant leave. This session will address when to apply for leave to appeal and how to make your application stand out. **The Atrium Drawing Room II**

Family

The “New” Custody Final Order Rule 6 Years Later: What the Case Data Tells Us About Its Impact

It has been a half dozen years since the more restrictive rule on child custody final order appeals took effect on January 1, 2019. Did it bring clarity or create more confusion? Case data provides answers. **The Atrium Drawing Room I**

Child Welfare

Top 20 Child Welfare Appeal Cases

There is a dynamic, growing body of child welfare case law affecting every stage of these proceedings, from petition drafting to removal decisions, adjudication, service provision, and termination of parental rights. It is incumbent upon trial court and appellate judges as well as litigators on all sides of these sensitive cases to know, understand, and apply the holdings of these cases. This presentation covers the most important Court of Appeals and Michigan Supreme Court child welfare opinions, clarifying their holdings, underlying facts, and reach, as well as best practices for their application. **The Atrium Study**

3:30-4:00 p.m.

Refreshment Break

4:00-5:15 p.m.

Law Practice Breakout Sessions

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Thursday, May 15, 2025, Continued

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Avoiding Defective Initial Filings and Costly Jurisdictional Mistakes

There are a number of potential mistakes that can be made when filing a claim of appeal. Some are relatively minor, such as using the wrong Court of Appeals form. But others can be quite significant, like failing to reserve the right to appeal earlier substantive decisions when stipulating to dismiss the remaining issues in the lower court. At this session, you will learn from Court of Appeals staff and practitioners how to limit your risks during this critical transition from the trial court to the world of appeals. **Library Conference Room A**

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Behind the Curtain: An Inside Look into Court of Appeals' Processes for Panel Assignments.

How are Court of Appeals judges assigned to the panels that decide appeals or motions? This session will attempt to shine light upon the internal processes that are used to select the judges that decide cases or motions that decide cases or motions. Is the process entirely random or are there other factors that are taken into account, such as the types of cases that are involved? How are human beings involved in this process? How are the processes used by the Court of Appeals similar to, and different from, the processes used by federal Circuit Courts of Appeals? What safeguards are there to ensure that the assignment process is fair to the parties and the public at large? How does the Court of Appeals identify potential conflicts and resolve those conflicts? Is there a duty to sit that impacts how a judge or the Court resolves a potential conflict? **The Atrium Drawing Room II**

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Thursday, May 15, 2025, Continued

4:00-5:15 p.m. **Law Practice Breakout Sessions**

Family **Hot Issues in Family Law Appeals: Whatever Happened to Peremptory Reversal? Why Can't I Get Timely Transcripts? When to Use and Not to Use Immediate Consideration Motions**

This session will explore what's hot in family law appeals. Decades ago, peremptory reversal was commonly used when trial courts committed clear error, such as changing custody without a hearing. Why isn't it used today? Why is the transcript production system in crisis and how can you deal with it. Need an answer right now? Or do you? When IC motions make sense and when they don't and all the related issues **The Atrium Drawing Room I**

Child Welfare **Reasonable Efforts and Ferranti Appeals: Focusing Appeals on Issues that Matter**
Issue-spotting and preserving the record for appeals with a focus on pre-adjudication issues for all parties. **The Atrium Study**

6:00-7:00 p.m. **Reception** - The Garden Pavilion

7:00-9:00 p.m. **Dinner** – The Garden Pavilion

The Appellate Practice Section's Lifetime Achievement Award will be presented to Hon. Elizabeth L. Gleicher, Retired.

Prior Recipients

1998	Justice Charles Levin	2015	Justice Michael F. Cavanagh
2001	Justice Patricia Boyle	2016	Justice Maura D. Corrigan
2004	Judge Harold Hood	2017	Corbin Davis
2007	Judge James Ryan	2019	Hon. Michael J. Talbot, Retired
2010	Kathleen McCree Lewis	2022	Mary Massaron
2012	Justice Marilyn Kelly	2022	Justice Stephen J. Markman
2013	Sandra Schultz Mengel		

Friday, May 16, 2025

8:00 a.m.-2:00 p.m. **Beverage Station** - Garden Gallery

7:30-2:00 p.m. **Registration** - Garden Gallery

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

9:00-10:00 a.m. **Plenary: Perspectives on Opinion Writing and Briefing**
Collective bench/bar discussion of what judges expect from briefs and lawyers expect from opinions. **Grand Ballroom**

10:00-10:30 a.m. **Refreshment Break**

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Child Welfare **The Appellate Landscape for Incarcerated Parents: Reflections on 15 years of In re Mason**

In child protective proceedings, there are occasions when a parent or both parents of a child are incarcerated. This presentation considers In re Mason, the seminal case about the rights of incarcerated parents, the agency's requirement to make reasonable efforts to maintain the child's relationship with those parents, and other critical issues arising in appeals involving incarcerated parents of children in child protective cases. **The Atrium Study**

12:00-1:00 p.m. **Luncheon** – Grand Ballroom

1:00-2:00 p.m. **Plenary – Supreme Court Practice Tips** - Grand Ballroom



**Michigan Appellate Bench
Bar Conference Foundation**

Advance Registration Deadline: By April 14, 2025 - Conference Fee \$450.00

Late Registration Deadline: After April 14, 2025 - \$475.00; Onsite Registration - \$500.00

The conference fee includes program materials, Wednesday’s pre-conference reception, Thursday’s breakfast, Thursday’s lunch at the conference, and Friday’s lunch. Resort room fees are not included.

*Registration is free for Justices, Judges, and Court Staff (including the Thursday Dinner).

Name: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Cell*: _____ Fax: _____

Email*: _____

* Email and cell phone number required to access the conference app and receive notices during the conference

Check all that apply: Justice Judge Court Staff Commissioner Reporter Moderator

Check all Practice areas that apply:

- Civil (Defense Plaintiff)
- Criminal (Defense Prosecution)
- Family Child Welfare

Scholarship Request

Are you applying for a scholarship? Yes No
If yes, you must submit your scholarship application with this form.

Indicate which events you will or will not be attending and if you will be Moderating/Reporting

**Note: Blank sessions will be considered as not attending*

Wednesday, May 14, 2025

Grand Reception – 5:30 - 7:00 p.m.

- Attending Not Attending

Thursday, May 15, 2025

Plenary - 9:15 – 10:30 a.m.

- Reporting Moderating
- Attending Not Attending

Thursday, May 15, 2025

Plenary Breakouts – 11:00 - 12:15 p.m.

- Moderating
- Attending Not Attending

Thursday, May 15, 2025

Law Practice Breakouts – 2:15 - 3:30 p.m.

- Reporting Moderating
- Attending Not Attending

Thursday, May 15, 2025

Law Practice Breakouts – 4:00 - 5:15 p.m.

- Reporting Moderating
- Attending Not Attending

Friday, May 16, 2025

Plenary - 9:00 – 10:00 a.m.

- Moderating
- Attending Not Attending

Friday, May 16, 2025

Law Practice Breakouts – 10:30 - 11:45 a.m.

- Reporting Moderating
- Attending Not Attending

Friday, May 16, 2025

Plenary – 1:00 - 2:00 p.m.

- Moderating
- Attending Not Attending

Dinner and Lunch

Thursday, May 15, 2025

Lunch – 12:30 - 2:00 p.m.

Speaker: Ross Guberman, *Legal Writing Pro LLC*

Attending Not Attending

Friday, May 16, 2025

Lunch – 12:00 - 1:00 p.m.

Attending Not Attending

Thursday, May 15, 2025

Reception/Dinner – 6:00 p.m. - **\$55.00**

Attending Not Attending

Dinner Guest - **\$55.00**

First Name: _____

Last Name: _____

Do you or your guest require a vegetarian meal? Yes Yes Guest No

Payment Information - You may pay by check or through Eventbrite, which accepts all credit cards.

To pay by check, enclose your form and payment, payable to Michigan Appellate Bench Bar Conference Foundation

To pay with Eventbrite, visit <https://benchbar.org/>

Registration Fees:

Advance Registration by April 14, 2025 \$450.00

Late Registration after April 14, 2025 \$475.00

Onsite Registration \$500.00

Remember to include your Reception Dinner fee. Dinner \$55.00 Dinner Guest \$55.00

Amount Paid: _____

Check #: _____

Form submission with check:

Michigan Appellate Bench Bar Conference Foundation

P.O. Box 66

Grand Ledge, MI 48837

Cancellation/Refund Policy: To obtain a refund, a cancellation notice must be received in writing at least 15 business days before the event (4/23/2025), less a \$100 administrative fee.

Resort Reservation Deadline: April 26, 2025

Space is limited. Onsite registration is allowed only if space is available.

St. John's Resort ~ 44045 Five Mile Road, Plymouth, MI 48170

Call 734-414-0600 for a reservation and ask for the conference rate of \$169

Contact the Michigan Appellate Bench Bar Conference Foundation at:

Phone: 517-627-8700 | Email: support@benchbar.org | Web: www.benchbar.org

All conference participants are encouraged to attend plenary sessions & the plenary breakout, but space for law practice breakout sessions is limited. See the brochure for the complete schedule. Assignments to breakout sessions will be made on a first-come / first-serve basis according to your preferences, and blank sessions will be treated as you not attending that session.

Law Practice Breakout Sessions

Please number your **top 5** preferred breakout sessions (not per day), with 1 being the most preferred.

Failure to indicate a preference will result in auto-assignments where availability remains.

(Note: Some sessions repeat)

Thursday, May 15, 2025, Law Practice Breakouts – 2:15 - 3:30 p.m.

Criminal:

- ___ Appellate Lawyers Navigating Trial Territory
- ___ Understanding Wrongful Convictions from the Appellate Bench and Bar
- ___ Preservation! Waiver! Forfeiture! Oh my!
- ___ Posey's Implication on Appellate Sentencing Review

Child Welfare:

- ___ Top 20 Child Welfare Appeal Cases

Civil:

- ___ The Ins and Outs of Stays on Appeal
- ___ Writing Effective Applications for Leave to Appeal in the Court of Appeals
- ___ The Latest in Effective Brief Writing
- ___ Adding Value: The Benefits of Embedded Appellate Counsel at Trial and Tips for Success

Family:

- ___ The "New" Custody Final Order Rule 6 Years Later: What the Case Data Tells Us About Its Impact

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Criminal:

- ___ Appellate Lawyers Navigating Trial Territory
- ___ Understanding Wrongful Convictions from the Appellate Bench and Bar
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Child Welfare:

- ___ Reasonable Efforts and Ferranti Appeals: Focusing Appeals on Issues that Matter

Civil:

- ___ Avoiding Defective Initial Filings and Costly Jurisdictional Mistakes
- ___ Behind the Curtain: An Inside Look into Court of Appeals' Processes for Panel Assignments
- ___ The Ins and Outs of Stays on Appeal
- ___ Writing Effective Applications for Leave to Appeal in the Court of Appeals

Family:

- ___ Hot Issues in Family Law Appeals: Whatever Happened to Peremptory Reversal? Why Can't I Get Timely Transcripts? When to Use and Not to Use Immediate Consideration Motions

Friday, May 16, 2025, Law Practice Breakouts – 10:30 -11:45 a.m.

Criminal:

- ___ Understanding Wrongful Convictions from the Appellate Bench and Bar
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- ___ The Appellate Landscape for Incarcerated Parents: Reflections on 15 years of *In re Mason*

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For Office Use Only

Date Rec: _____

Date Entered: _____

Staff: _____

Staff: _____

updated as of 12-16-2024 TC