



## Attorney Recipient of Up & Coming Lawyer Award



Susan Lumetta

**W**e are pleased to announce that Susan Lumetta, an attorney in our Livonia office, has been recognized by Michigan Lawyers Weekly with their Up & Coming Lawyer award.

Michigan Lawyers Weekly is a weekly publication that provides legal news, including rulings, verdicts, settlements, opinions and discipline matters to attorneys throughout the state of Michigan.

Since joining CMDA after graduating from law school in 2007, Ms. Lumetta's practice has mostly concentrated on appellate work. She explains, "I really like the analytical nature and problem-solving that goes into brief writing. I enjoy trying to come up with new takes on arguments and the possibility of influencing the law in front of a three-judge appellate panel in the Michigan and Sixth Circuit Court of Appeals." She has served as lead counsel in numerous appeals and has been consulted or advised in many others. Her appellate cases focus on various aspects of municipal law, employment law, insurance law and general tort law.

Please join us in congratulating Ms. Lumetta on being a recipient of this award.

Ms. Lumetta can be reached at (734) 261-2400 or [slumetta@cnda-law.com](mailto:slumetta@cnda-law.com).

According to Michigan Lawyers Weekly, the 20 attorneys chosen "have practiced law for 10 years or less, yet have already distinguished themselves in the practice of law, and appear poised for even greater things. They were chosen for their noteworthy cases, unique practice areas, and interesting community or bar association efforts."

## What is the Difference between Trial Attorneys and Appellate Attorneys?



Karen M. Daley

**I**n last month's newsletter Ms. Daley explained the difference between the trial courts and appellate courts. In this month's newsletter she will explain the difference between trial attorneys and appellate attorneys.

To be effective in an appeal, an attorney needs to use very different skills than those skills necessary for a successful trial. Gathering evidence, interviewing

witnesses, cross-examining adverse parties and making a passionate, often emotional argument are the key skills of a trial

attorney. On appeal, on the other hand, a lawyer with strong writing, research and logic skills can literally mean the difference between winning and losing. Experience working with and appearing before appellate judges again and again also builds the judgment and wisdom necessary to evaluate what issues, if any, are likely to be successful on appeal.

In an appeal, an appellate attorney must (1) gain a thorough understanding of what was actually presented to the trial court; (2) research the relevant statutes, regulations and court decisions in other cases; (3) prepare a concise written brief to be reviewed by a panel of judges and their law clerks and (4) be

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# CMDA Happenings

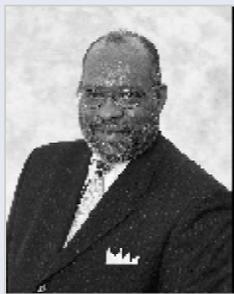
### Attorney Chosen as Top Lawyer

Each year Traverse City's newspaper, The Record-Eagle, invites their readers to vote for their favorite businesses, services and places in the Grand Traverse area. Haider Kazim, an attorney in our Traverse City office, was selected by the readers as the **Top Lawyer in the Grand Traverse Area**.



Haider A. Kazim

### Attorney Elected to Belle Isle Conservancy



Ethan Vinson

Ethan Vinson, a partner in our Livonia office, has been elected to the Board of Directors of the Belle Isle Conservancy.

The Belle Isle Conservancy was recently created by four non-profit organizations (Friends of Belle Isle, Belle Isle Botanical Society, Belle Isle Women's Committee and Friends of the Belle Isle Aquarium) joining

forces to become stronger as one. Mr. Vinson served as Vice President of Friends of Belle Isle.

The Belle Isle Conservancy's mission is to protect, preserve, restore and enhance the natural environments, historic structures and unique character of Detroit's Belle Isle as a public park for the enjoyment of all.

### Attorneys Support COTS

Last month attorneys Eileen Husband and Linda Davis Friedland from our Livonia office attended the COTS Leading Ladies Luncheon held at the A. Alfred Taubman Center for Design Education in Detroit. The event benefited the Coalition on Temporary Shelter (COTS).

Annually, COTS serves approximately 2,000 Detroit area homeless people in its emergency shelter and approximately 450 individuals and families in its transitional and permanent housing programs.

### Employee Volunteers at DTE Energy Gardens

Last month Melissa Cauchi from the Firm's accounting department volunteered with her son and Cub Scout Pack 1738 at the DTE Energy Gardens in Farmington Hills. The scouts, their parents and siblings picked 1,400 pounds of tomatoes that were donated to Gleaners Community Food Bank of Southeastern Michigan.



Members of Pack 1738 from Hulsing Elementary School in Canton

DTE Energy has ten community gardens around Metro Detroit. The produce grown in the gardens is delivered to Gleaners and then distributed to those in need.

## What is the Difference between Trial Attorneys and Appellate Attorneys? (cont.)

able to have an in-depth dialog with the appellate court about the case and how the law should be developed in that area. An appellate attorney is able to limit his or her review of the case to only what is contained in the record, just as the appellate court will do. A trial attorney who took depositions, interviewed the witnesses and investigated the case before trial can very easily lose track of exactly what the trial court heard on the record and what the trial attorney knows really happened. An appellate attorney is able to look at the case from a new perspective with a "fresh set of eyes." An appellate attorney also provides valuable support to trial attorneys:

Before the Trial - Appellate attorneys research and analyze key issues of the law and write briefs for dispositive motions. Effective research and briefing in the trial court can often mean the difference between ultimate success and failure on appeal.

During the Trial - A trial lawyer can better focus on the flow of the trial if an appellate attorney is there to focus on issues of

preserving legal issues in the record. Appellate attorneys are also able to research and write motions and briefs regarding evidentiary issues that arise during trial.

After the Trial - Even where it is clear that the trial judge will deny a motion for new trial, using an appellate attorney to prepare a thorough and effective motion can improve the chances of a favorable appeal or settlement offer.

If you would like additional information on our appellate department and all the services that they can provide, please contact Ms. Daley at (734) 261-2400 or [kdaley@cmda-law.com](mailto:kdaley@cmda-law.com).

Karen M. Daley

Karen M. Daley is an attorney in our Livonia office where she concentrates her practice on appellate law and municipal law. She can be reached at (734) 261-2400 or [kdaley@cmda-law.com](mailto:kdaley@cmda-law.com).

## COMMUNITY COLLEGE CORNER



Patrick R. Sturdy

Community Colleges should be aware of current legislation before the Michigan Senate that will negatively affect community college budgets. Senate Bill 34 seeks to exempt personal property tax from collection under the General Tax Act. Personal property tax is a tax on physical goods, as opposed to real property - including commercial equipment, industrial machinery, gas and electric transmission and distribution equipment or similar property. This tax is assessed on commercial, industrial and utility property; personal and agricultural personal property is exempt.

Community colleges receive a portion of their funding from personal property tax as assessed through local millages. While the specific cut each community college would suffer depends upon the taxable value of personal property within

their districts, as well as local millage rates, it is estimated that elimination of the personal property tax would result in lost revenue of \$48.6 million dollars to community colleges.

Funding for community colleges comes from three primary sources: state aid, tuition and fees and property tax revenue (real and personal). Community colleges have faced shrinking budgets over the last several years as state aid has dramatically decreased. Shortfalls in the budget have been managed through tuition increases and cuts in programs, faculty and staff. Further cuts in funding sources for community colleges could mean additional tuition increases, and the elimination of additional services, staff and faculty. Accordingly, community colleges should be aware of this potential loss of funding as they begin to prepare their budgets in the coming year.

If you have any questions about what you have read or want additional information, Mr. Sturdy can be reached at (734) 261-2400 or [psturdy@cmda-law.com](mailto:psturdy@cmda-law.com).

## A New Approach: The Collaborative Divorce



Carla G. Testani

Carla Testani, a family law attorney in our Livonia office, has spent the last 13 years guiding her clients through the divorce process and has noticed a common sentiment - the courthouse is not the ideal place to solve issues surrounding the breakup of a family. Family Court is no different than any other court; in that, the process is adversarial in nature and focuses on winning arguments rather than resolving issues. For that reason, domestic litigation can be inefficient and unnecessarily expensive. Often, both husband and wife are left feeling disappointed and disconnected from the decisions imposed by the judge, which may not be either party's idea of what will work for their family.

Collaborative Practice is a fairly new process designed to address the need for an effective way to resolve family disputes while preserving the parties' relationships with one another as much as possible. In the Collaborative Divorce, a team of professionals is developed to help the family through the emotional, legal and financial aspects of a divorce. The clients and their respective collaboratively-trained attorneys sign an agreement to reach a settlement before turning to the court to grant the divorce. Depending upon the case, the team

may also include other professionals such as coaches, financial planners, child specialists or a mediator.

Although not appropriate for every divorce (and certainly not for those cases involving domestic violence), the Collaborative approach has many advantages to traditional litigation. Through a series of team meetings, the parties become invested in reaching a resolution to their case that puts the children's needs in the center of their decisions. Often, through team meetings, the parties develop a new way to communicate post-marriage and develop skills to help them effectively co-parent their children in the future. Using the Collaborative method, the parties control the timing and goals of the process, which results in less stress and allows the parties to make well-reasoned decisions. Finally, the overall costs are reduced because less time is lost at work, discovery of information is more efficient and the parties are invested in the outcome so they are less likely to return to court in the months and years following the divorce.

For more information about the Collaborative Process or other domestic issues, contact Carla Testani.

Carla G. Testani is an attorney in our Livonia office where she concentrates her practice on family law matters. She can be reached at (734) 261-2400 or [ctestani@cmda-law.com](mailto:ctestani@cmda-law.com).

# CUMMINGS, McCLOREY, DAVIS & ACHO Office Locations



On Law is a monthly publication from Cummings, McClorey, Davis & Acho, P.L.C.

Comments and questions regarding specific articles should be addressed to the attention of the contributing writer. Remarks concerning miscellaneous features should be addressed to the attention of Jennifer Sherman.

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On Law is intended for informational purposes only and should not be used as a substitute for individual legal advice. Please consult an attorney regarding your particular situation.

Would you like to reference previous issues of On Law?

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