

CMDA Helps Super Bowl Client Form Charitable Foundation



Pittsburgh Steelers #50 Larry Foote

Steelers who recently participated in Super Bowl XLV in North

CMDA has a long history of representing those in the sports world. Among the current athletes for whom CMDA serves as legal counsel is Larry Foote of the Pittsburgh

Texas. (CMDA is not in the agency business but serves as legal counsel)

With the assistance of attorney Christopher G. Schultz, Mr. Foote formed Best Foote Forward Foundation, a charitable organization that provides assistance to the underprivileged, impoverished and those individuals who may be at risk to economic, spiritual or family pressure in the Detroit, Michigan area.

Although the Pittsburgh Steelers did not win the Super Bowl, CMDA congratulates Mr. Foote on playing in his third Super Bowl game.

Attorney Obtains Veterans Preference Act Dismissal

Gregory R. Grant of our Traverse City office recently obtained a dismissal for a northwest Michigan county and its board of commissioners in a Veterans Preference Act case.

The county administrator/controller, a 20-year veteran of the U.S. armed forces, had held his position for approximately 12 years. For certain reasons, the county board of commissioners voted 5 to 1 to terminate the administrator's employment. Two weeks later, the administrator filed a Notice of Protest under the Veterans Preference Act (VPA) with the county prosecutor. The prosecutor then conducted a hearing and decided that the man was not entitled to protection or benefits under the VPA and that his termination by the commissioners

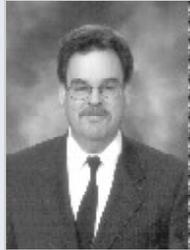
was proper. The man filed suit against the county and its commissioners in circuit court alleging that they violated his rights under the VPA. The plaintiff demanded reinstatement of his position with back pay, or in the alternative, lost future wages.

The Michigan legislature enacted the VPA in 1897 to show appreciation to veterans who have served in the armed services in times of war by granting them a preference in original employment and retention in public employment. The VPA entitles a qualified veteran to notice and a hearing before his employer may take any action against him with respect to his employment. The plaintiff argued that the county and its commission-

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CMDA Happenings

Attorney Gives Presentation on Railroad Preemption Law



Gregory A. Roberts

Greg Roberts, a partner in our Livonia office, presented a seminar on the "Status of Railroad Preemption Law in Michigan" to members of the Michigan Association of Municipal Attorneys. Approximately 70 people attend the seminar where he discussed how municipalities must appropriately handle railroad situations that may come up within their communities.

Please contact Greg in our Livonia office at (734) 261-2400 or groberts@cmda-law.com if your municipality is interested in a similar presentation.

Attorneys Participate in Expo

Attorneys from our Grand Rapids and Traverse City offices were some of the most visible and active exhibitors at the recently concluded Michigan Township Association (MTA) Educational Conference and Expo, held at the DeVos Place in Grand Rapids, MI on January 26 and 27, 2011.



The MTA Conference provided an excellent opportunity for our attorneys to reach out to the approximately 1,500 township officials throughout Michigan in attendance by sharing our experience and knowledge in the area of Municipal Law. The CMDA booth in the exhibit hall was one of the busiest, as our attorneys listened to a range of issues from various township officials in attendance and provided advice and opinion on those issues.



Haider Kazim

CMDA attorney Haider Kazim who spearheaded CMDA's participation at the MTA Conference said, "In these times of reduced funding and budget constraints, we met many township officials looking for municipal law attorneys with the experience and knowledge to advise, counsel and guide them on a broad spectrum of issues they face, from union negotiations

to inter-local agreements to legislation regarding medical marijuana law. Through our conversations we were able to provide them with useful advice and information on these and other issues. We greatly enjoyed the opportunity to speak with so many township officials."

Attorney Gives Presentation to Officers on Use of Taser



Kenneth G. Galica

On January 26, 2011, Ken Galica, a partner in our Livonia office, gave a presentation to police officers on "Electronic Control Weapon Liability." The presentation discussed several things, including the factors courts look at when officers discharge a taser on a suspect, the new recommended point of aim areas when using a taser and updated protocol agencies should follow when using a taser.

Please contact Ken in our Livonia office at (734) 261-2400 or kgalica@cmda-law.com if your police department is interested in a similar presentation.

Attorney Returns to Active Duty

Brandon Bolling, an attorney in our Livonia office and Major in the United States Marine Corps, has returned to active duty and is no longer with the Firm. We wish him and his family the best of luck and look forward to his safe return from active duty. Thank you to all the brave men and women serving in the military who have sacrificed so much for our country.



Brandon Bolling

Attorney Joins Firm

We are pleased to announce that Lindsay Kaczmarek has joined our Firm as an associate in our Livonia office. Lindsay concentrates her practice on municipal law. Lindsay received a Juris Doctor degree, cum laude, from Michigan State University College of Law and a Bachelor of Arts degree from University of Minnesota, Twin Cities. Please join us in welcoming Lindsay to the Firm.

City of Livonia Police Officer Killed in the Line of Duty



Officer Larry Nehasil

City of Livonia, MI senior police officer Larry Nehasil, a decorated officer and dedicated family man, was killed in the line of duty January 17, 2011 by a home invasion suspect he had been trailing under cover. Left behind are his wife, Linda, who was his childhood sweetheart, and two teenage sons.

Everyone at CMDA is very saddened by this tragedy and extends our deepest condolences to his family and to the City of

Livonia Police Department. We thank all of the public safety workers who put their lives on the line every day to protect us civilians.

A Memorial Fund has been set up for Officer Larry Nehasil's family. Donations can be made in person at any Huntington National Bank or mailed to the Livonia Police Department, 15050 Farmington Road, Livonia MI 48154. Make checks payable to "Larry Nehasil Memorial Fund."

Attorney Obtains Veterans Preference Act Dismissal (cont.)

ers knew he was a veteran and failed to give him notice and a hearing prior to his termination.

The VPA, however, provides that "heads of departments" are exempt from the protections of the VPA. Mr. Grant filed a motion to dismiss the case on behalf of the county, contending that the county administrator, by definition, is head of the county's entire administration, and that the controller is the head of the county's accounting department. The plaintiff conceded that he was the county's top executive official, reporting only to the board of commissioners, and that all non-elected department heads reported directly to him. Thus, the county argued that the plaintiff was essentially the head of all department heads, and was exempt from the VPA.

The court agreed with the county and held that the plaintiff was a "department head" for purposes of the VPA, and therefore, was not entitled to VPA protection. The court dismissed the plaintiff's lawsuit. This is believed to be the first case in Michigan in which the position of county administrator/controller was found to be exempt from the VPA.

Gregory R. Grant

Greg Grant is an attorney in our Traverse City office where he concentrates his practice in the areas of municipal law, civil litigation defense and insurance law. He can be reached by calling (231) 922-1888 or via e-mail at ggrant@cmda-law.com.

Attorney Profile: Timothy S. Ferrand



Timothy S. Ferrand

In this month's newsletter Timothy S. Ferrand is profiled. Tim joined the Firm in 1990. He currently operates our Sterling Heights/Macomb County office.

In last month's profile, Ron Acho spoke of the importance of giving our clients the best customer service. Tim proudly provides that service to each of his clients on a daily basis. Accordingly, he believes that good results flow from hard work and that "luck" has little effect on the outcome.

He understands his sophisticated clientele require immediate, personalized, hands-on service and accountability. As a result, the lights at the Sterling Heights office are typically burning well after normal business hours.

Tim is a senior trial attorney specializing in municipal liability defense. He has counseled and defended counties, cities, townships and community colleges throughout the state of

Michigan on matters arising out of employment, police practices, Fourth and Fourteenth Amendment claims, First Amendment claims, tort liability and class action litigation. Tim serves as legal counsel to municipal owners and wholesale customers of water and wastewater services. He has served as City Attorney and Assistant City Attorney, counseled City Commissions and Boards and is always available to provide pre-litigation advice. Insight born from years of experience has enabled many of Tim's clients to avoid unnecessary litigation. However, once litigation is initiated Tim's goal is to be better prepared than the opponent, providing a unique advantage.

Tim received a Juris Doctor and Bachelor's degree from Wayne State University. He is a member of the Michigan Bar Association, American Bar Association, Macomb County Bar Association, Michigan Trial Lawyers Association, Wayne State University Alumni Association, Macomb County Chamber of Commerce and the Trinity Lutheran Church.

Tim resides with his wife Maureen and son Liam in Shelby Township, MI. His son Liam is an excellent student and musician, attending Utica Community Schools. Tim enjoys golfing, basketball, occasional workouts and all forms of sporting events. You can contact Tim at (586) 731-5000 or tferrand@cmda-law.com.

CUMMINGS, McCLOREY, DAVIS & ACHO Office Locations



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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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Our Vision

To meld our legal expertise, professional support staff, technical resources and variety of locations to deliver first rate legal services at a fair value to a full range of business, municipal, insurance and individual clients.

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