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Plaintiff wins med-mal trial in Grand Traverse County



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Doctor failed to order sleep study

By Thomas Franz

For the first time since 1997, a plaintiff has won a medical malpractice trial in Grand Traverse County. In *Estate of Thomsen v. Nizzi*, a jury awarded \$836,000 when determining

after a seven-day trial that Dr. Michael Nizzi failed to order a sleep study before a patient's bariatric surgery on June 1, 2015, which set off several negative effects after the operation. Plaintiff's counsel Stephanie Hoffer of Hoffer & Sheremet PLC in Grand Rapids claimed that the defendant failed to adequately advise the plaintiff of the significantly increased risk untreated sleep apnea posed with an open Roux-

en-Y surgery. Hoffer also said a sleeve gastrectomy would have been a safer alternative to the surgery underwent by the plaintiff. "The issue was the fact that he had not been diagnosed and treated before bariatric surgery," Hoffer said. **Background** Hoffer said the plaintiff was having

■ See **MED-MAL**, on PAGE 20

Civil discovery rules revamped

Review process started in 2016

By Thomas Franz

In 2016, the Michigan Supreme Court encouraged the State Bar of Michigan to take a look at reforming civil discovery rules. On June 19, 2019, the court issued an

order, *Amendment of Discovery Rules* (MiLW No. 06-100548, 45 pages), detailing the many amendments that are coming to civil discovery in Michigan. "The impetus for this is the federal rules were undergoing a series of changes and had already gone through an evolution, and the Michigan court rules had not been holistically reviewed and revised since 1985," said Daniel D. Quick, chair of the Civil Discovery Rule Review Special

Committee of the State Bar of Michigan. **Background** According to an 89-page Representative Assembly proposal dated March 10, 2018, Quick's committee was formed to review Michigan Court Rules dealing with the civil discovery process to address the expense and burden of civil discovery. ■ See **DISCOVERY**, on PAGE 18

Grievances against judges drop in 2018

JTC annual report offers snapshot of complaints, discipline

By Lee Dryden

The annual report recently released by the Judicial Tenure Commission shows a significant decrease in the number of complaints against judges in Michigan. The JTC received 480 grievances in 2018, down from 566 in 2017. In 2018, 411 were resolved; 535 were resolved in 2017. "With the exception of 2018, the number of grievances received and resolved by the Commission has been fairly constant for the last decade. In 2018 there was a significant drop in both," the report stated. "The Commission does not know why fewer grievances were submitted in 2018. Fewer grievances were resolved because the work required for several complex investigations forced the Commission to delay resolution of other cases." Of 411 grievances resolved last year, 401 were closed without action, meaning "the evidence did not demonstrate misconduct after the information necessary to evaluate the complaint was obtained and reviewed." "In other words, either these files alleged facts that would not constitute misconduct even if true, or investigation showed the allegations were unfounded or unprovable, or the judge gave an adequate explanation of the situation, or the Commission lacked jurisdiction," according to the report. As for cases closed with action, the JTC issued one formal complaint, five letters of admonishment and four cautions in 2018.

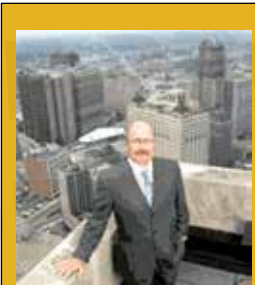
The numbers

As for the sources of requests for investigation, litigants comprised the vast majority at 64 percent, followed by prisoners at 18 percent. Friends or family of a litigant equaled 10 percent, while smaller percentages included the JTC, non-litigants, attorneys and other judges. On the subject matter of grievances, 70 percent involved reviewing a legal ruling, 16 percent involved prejudice/partiality, and small percentages included demeanor, delay, failure to perform duties and misconduct as an attorney. "Seventy percent of 2018 Requests for Investigation sought to have the

■ See **GRIEVANCES**, on PAGE 20

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A sidebar with ...

Bushra Malik

Bushra A. Malik has seen the inside and outside of immigration law throughout her professional career, and that experience has helped her become chair of the Michigan chapter of the American Immigration Lawyers Association.

She took over the position in May for a one-year term.

Malik, a shareholder at Butzel Long in Bloomfield Hills, spoke with *Michigan Lawyers Weekly* about her new role and her career in immigration law.

First off, how has this position gone for you since starting in May?

We just got back from the AILA annual conference in Orlando. I attended a lot of leadership training, and we set up our organizational and programming goals for the year. This is kind of the kickoff period in the summer when we get organized and set up our committees and set up our plans for the year.

Why did you decide to begin taking on leadership roles with AILA?

I was asked to take on leadership roles and I thought it was a good opportunity to get more involved. I thought there was a need for greater leadership in the organization to help advance the interests of immigration attorneys in the state of Michigan, and to improve relations between immigration officials and immigration attorneys.

What new tasks do you now have as chair of the Michigan chapter?

There are about 400 AILA attorneys in Michigan, and I will be responsible for advocacy for immigrant communities, educational opportunities and programming for immigration attorneys as well as liaison with governmental entities.

On your career, you worked in Seoul, South Korea for the Department of State, how did you end up working there?

I was a Visa officer with the Foreign Service and I was assigned by the U.S. government to be a Visa officer in Korea. I embarked on that career path because I was interested in seeing it from the government's point of view for how immigration policies and processes happened.

What was that transition like from moving from South Korea into a private law firm?

I joined here in 2003. It was after a



year break from South Korea to have a baby.

It was good because ultimately I did want to work in a private practice and serve immigrants in the United States. I think it was good to work in the government to understand how the government operates and how they think and see it from their point of view as well.

How has the current political environment influenced your work?

It's very challenging because I work in corporate immigration, but even avenues for legal immigration are heavily constricted. Even when companies are trying to bring foreign talent to the United States in a legal manner, it's very difficult and employers are not able to get the talent they need on a global basis. It's very frustrating for them because we're not talking about undocumented people or people doing things illegally. Even when U.S. employers are trying to grow their businesses, they aren't able to do so because of restrictions on legal immigration to the U.S.

Can you explain your pro bono involvement?

I also do a lot of pro bono work for asylum seekers from Pakistan who are facing religious persecution in Pakistan. People from my community, I'm from the Ahmadi Muslim community, which is heavily persecuted in Pakistan. Butzel supports me to do that on a pro bono basis to provide legal services to asylum seekers in the U.S. who are facing religious persecution.

— THOMAS FRANZ

PEOPLE IN THE LAW



BLOCK



BONNEMA



HOOPS



LABE



PETZ



TUCKER

Professional Moves

Drew L. Block has joined Plunkett Cooney in Bloomfield Hills as a senior attorney.

Mary C. Bonnema has joined Warner Norcross + Judd LLP in Grand Rapids as a partner.

Frederick H. Hoops III has joined Bodman PLC in Detroit as a member.

Appointments

Zaneta I. Adams was appointed by Gov. Gretchen Whitmer as director of the Michigan Veterans Affairs Agency. She succeeds James Robert Redford, who was appointed to the Michigan Court of Appeals. Adams practiced with Williams Hughes PLLC in Muskegon.

Honors

Butzel Long has renamed the firm's Detroit office Conference Center in honor of former Chairman and CEO **William M. Saxton**, who passed away on April

15. The firm hosted a June 12 reception, which included Saxton's family, colleagues and friends.

Scott A. Petz of Dickinson Wright PLLC in Troy was selected among America's Top 100 High Stakes Litigators® for 2019.

Presentations

Robert B. Labe of Williams, Williams, Rattner & Plunkett PC in Birmingham recently presented on "Considerations in Planning for the Incapacitated and Terminally Ill Client" at a conference sponsored by the Michigan Association of Certified Public Accountants.

Norman D. Tucker of Sommers Schwartz PC in Southfield served as the distinguished co-chair of the American Conference Institute's 17th Annual Advanced Forum on Obstetric Malpractice June 25-26 in Philadelphia. He also gave a presentation on "Assessing the Risk Profile of an Obstetric Malpractice Case: Conducting an Effective Damages Work-Up, Developing Strategies for Mitigating Damages, and Anticipating the Potential Impact of the ACA Repeal."

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