

Appellate Law

rise to the occasion

Bodman's Appellate team is a dedicated group within its highly-ranked Litigation and Alternative Dispute Resolution Practice Group. Our seasoned lawyers have briefed arguments and appeared before various state and federal courts, including the United States Supreme Court, the federal Courts of Appeals, the Michigan Supreme Court, and the Michigan Court of Appeals, as well as state and federal administrative agencies.

Our lawyers have successfully argued hundreds of appeals resulting in numerous published opinions that have created new standards and laws. Our clients benefit from the inside knowledge our team members have gained not only from the many years of acting as trial and appellate counsel, but also from being behind the bench. Our appellate lawyers include prior law clerks and interns with appellate judges. Their collective prior experience allows us to understand the subtle nuances it takes to write and present strong, compelling arguments, and their counsel and coaching regarding specific jurisdictions or issues often helps clients' overcome business impediments that cause significant financial burdens.

Members of our Appellate team often provide counsel to other members of the Litigation and Alternative Dispute Resolution Practice Group who are handling matters in trial courts on procedural and strategic issues to assure that our clients are optimally positioned to pursue or defeat a potential appeal. One reason why our Appellate team is highly effective is because each team member has experience handling significant commercial and financial matters at the trial level. Decisions made at trial and during the immediate post-judgment period can affect the success of the appeal process or the potential settlement negotiations.

Representative clients include the Outdoor Advertising Association of Michigan, the National Association of Chain Drug Stores, the Michigan Retailers Association, the Small Business Association of Michigan, and the Michigan Catholic Conference.

SERVICES

- Media Law
- First Amendment
- Constitutional Law
- Land Use and Zoning
- Contract Law
- Employment Law
- Municipal Law
- Banking Law
- Insurance Law
- Real Estate Law

REPRESENTATIVE MATTERS

- Representation of *Amicus Curiae* in Appeal Involving State and Federal Constitutional Questions before the Michigan Supreme Court
Representation of a non-partisan independent research and educational institution that participated in a Michigan Supreme Court case as *amicus curiae* supporting the plaintiffs/appellants taxpayers in that case. *Amicus* took the position that local governments that retain proceeds from the sale of foreclosed property that exceed the amount of the tax delinquency violate the Takings Clauses in the Constitution of the United States and the Michigan Constitution.
- First Amendment Appeals in Federal and State Appellate Courts for Michigan Outdoor Advertising Association
As counsel to the Michigan Outdoor Advertising Association and its members, we have successfully appealed First Amendment and other matters to the United States Court of Appeals for the Sixth Circuit and the Michigan Court of Appeals.
- Representation of a Catholic Church and Members of Its Clergy in a Defamation Matter before the Michigan Court of Appeals and Michigan Supreme Court
Represented a Catholic church and members of its clergy in a defamation matter where a parishioner accused a nun of making defamatory statements against him after the two had a confrontational conversation. After the trial court denied our motion for summary disposition, we filed an immediate appeal to guard against vexatious discovery. On

remand from the Michigan Supreme Court, the Court of Appeals ruled in favor of our clients, writing in a published opinion that a false accusation of simple battery will only constitute defamation per se if the crime of battery subjects the plaintiff to involves “moral turpitude” or “infamous punishment,” which did not exist in this case. *Lakin v. Rund*, No. 323695, 2016 WL 7022886 (Mich. Ct. App. Dec. 1, 2016).

- **Automotive OEM Prevails in Appeal of \$100 Million Fraudulent Inducement Claim by Foreign Vehicle Distributor**

We represented an automotive OEM before the Michigan Court of Appeals in a lawsuit brought by the Greek distributor of its vehicles, who claimed that it was fraudulently induced into settling a prior lawsuit and sought \$100 million in damages. The Court of Appeals affirmed the trial court, finding in favor of the OEM. *Lancia Jeep Hellas S.A. v. Chrysler Group Int'l, LLC*, No. 329481, (Mich. Ct. App. Mar. 24, 2016).

- **Representation of the Michigan Insurance Commissioner re: Confederation Life Insurance Company**

As lead litigation counsel to the Michigan Insurance Commissioner in the rehabilitation of Confederation Life Insurance Company, the largest life insurance insolvency in North American history, we successfully argued two appeals that overturned class action matters that threatened the administration of the multi-billion-dollar rehabilitation estate.