

Appellate Litigation

Contact:

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Dickinson Wright's appellate attorneys have extensive experience in virtually all areas of appellate litigation, including commercial contracts, construction, personal injury, product liability, environmental, ERISA, insurance, intellectual property, medical malpractice, regulatory, zoning, employment, and family law. Our appellate group has successfully handled hundreds of appeals in state and federal courts throughout the region and at every appellate level, from the United States Supreme Court to specialized tribunals such as bankruptcy appellate panels, zoning boards of appeal, and the Michigan Tax Tribunal.

Many of our attorneys are former law clerks from the Michigan Supreme Court, the Michigan Court of Appeals and a number of federal appellate courts. Our appellate group also includes Dennis W. Archer, a former Michigan Supreme Court Justice and former President of the American Bar Association.

In addition to direct representation of our clients during the appeals process, Dickinson Wright provides consultation services to trial counsel concerning dispositive motions, major evidentiary issues, jury instructions, postjudgment motions, and preservation of issues for appellate review.

Representative Clients

AT&T, Inc.
Blue Cross Blue Shield of Michigan/Blue Care Network
Cingular Wireless, LLC
Chrysler LLC
The Dow Chemical Company
Ford Motor Company
Household Finance Corporation
JPMorgan Chase
UNUMProvident Corporation and its affiliated entities

Positions in the Field

- Partner served as Justice of the Michigan Supreme Court.
- Partner elected to the Governing Council of the State Bar of Michigan's Appellate Practice Section.
- Partner serving as an Adjunct Professor of Appellate Practice and Procedure at Michigan State University College of Law.

Significant Cases

Carabell v. United States Army Corp of Engineers, 547 US 715 (2006), limiting the scope of the Army Corps of Engineers' authority to regulate wetlands with no significant nexus to navigable waters of the United States.

Henry v. The Dow Chemical Company, ___ Mich ___ (2009), in a matter of first impression, establishing the standards in Michigan for certifying class actions and confirming that the burden is on the party seeking certification to affirmatively demonstrate that the prerequisites for maintaining a class action have been met.

In re Complaint of Rovas Against SBC Michigan, 482 Mich 90 (2008), overturning a fine imposed on a telecommunications provider by the Michigan Public Service Commission and rejecting U.S. Supreme Court precedent requiring deference to certain agency interpretations of statutes.

Ross v. Blue Care Network of Michigan, 480 Mich 153 (2008), affirming the Michigan Insurance Commissioner's decision to uphold Blue Care Network of Michigan's denial of coverage for unauthorized medical services.

In re Certified Question From the Fourteenth District Court of Appeals of Texas (Miller v. Ford Motor Co.), 479 Mich 498 (2007), finding no duty owed under Michigan law to protect against "take home" asbestos exposure.

In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71, 479 Mich 1 (2007), upholding constitutionality of statute requiring voters to provide photo identification.

Henry v. The Dow Chemical Co, 473 Mich 63 (2005), rejecting claims for medical monitoring in toxic tort cases that lack proof of present injury or disease.

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Craig v. Oakwood Hospital, 471 Mich 67 (2004), overturning \$30 million jury verdict and confirming the trial court's gatekeeping responsibility to admit only factually and scientifically reliable expert testimony at trial.

LeRoux v. Secretary of State, 465 Mich 594 (2002), upholding Michigan congressional redistricting plan.

Additional Representative Published Decisions

Michigan Supreme Court

- *CC Mid West, Inc v. McDougall*, 470 Mich 878 (2004)
- *MGM Grand Detroit v. Comm Coalition for Empowerment, Inc*, 465 Mich 303 (2001)
- *Hord v. Environmental Research Institute of Michigan*, 463 Mich 399 (2000)
- *Wilson v. Newman*, 463 Mich 435 (2000)
- *In re MCI Telecommunications Complaint*, 460 Mich 396 (1999)
- *Dart v. Dart*, 460 Mich 573 (1999)
- *Town v. Michigan Bell Telephone Co*, 455 Mich 688 (1997)
- *Nehra v. Provident Life & Accident Insurance Co*, 454 Mich 110 (1997)
- *Skinner v. Square D Co*, 445 Mich 153 (1994)
- *Moll v. Abbott Laboratories*, 444 Mich 1 (1993)

Michigan Court of Appeals

- *Citizens Protecting Michigan's Constitution v. Secretary of State*, 280 Mich App 273 (2008)
- *Prime Financial Services v. Vinton*, 279 Mich App 245 (2008)
- *Guardian Environmental Services, Inc v. Bureau of Construction Codes & Fire Safety*, 279 Mich App 1 (2008)
- *Shah v. Farmington Hills (Oxford Estates v Ford Motor Co)*, 278 Mich App 95 (2008)
- *PT Today, Inc v. OFIS Comm'r*, 270 Mich App 110 (2006)
- *Stadium Authority v. Drinkwater, Taylor & Merrill, Inc*, 267 Mich App 625 (2005)
- *Nalbandian v. Progressive Michigan Insurance Co*, 267 Mich App 7 (2005)
- *Prentis Family Foundation v. Karmanos Cancer Institute*, 266 Mich App 39 (2005)

- *Kraft v. Detroit Entertainment, LLC*, 261 Mich App 534 (2004)
- *Allen v. MGM Grand Detroit, LLC*, 260 Mich App 90 (2003)
- *Bruley v. City of Birmingham*, 259 Mich App 619 (2003)
- *In re MCI Telecommunications Complaint*, 255 Mich App 361 (2003)
- *King v. Ford Motor Credit Company*, 257 Mich App 303 (2003)
- *CMI International, Inc v. Internet International Corp*, 251 Mich App 125 (2002)
- *Florida Leaseco, LLC v. Dept of Treasury*, 250 Mich App 506 (2002)
- *Fulton v. Pontiac General Hospital*, 253 Mich App 70 (2002)
- *Minority Earth Movers, Inc v. Walter Toebe Construction Co*, 251 Mich App 87 (2002)
- *Benejam v. Detroit Tigers, Inc*, 246 Mich App 645 (2001)
- *In re Complaint of MCTA*, 241 Mich App 344 (2000)
- *Kerns v. Dura Mechanical Components, Inc*, 242 Mich App 1 (2000)
- *Knauff v. Oscoda County Drain Comm'r*, 240 Mich App 485 (2000)
- *Reynolds v. Bureau of State Lottery*, 240 Mich App 84 (2000)

U.S. Court of Appeals for the Sixth Circuit

- *Carter v. Ford Motor Company*, 561 F3d 562 (6th Cir 2009)
- *Murphy v. National City Bank*, 560 F.3d 530 (6th Cir 2009)
- *Jones v. Blige*, 558 F3d 485 (6th Cir 2009)
- *Davis v. Michigan Bell Telephone Co*, 543 F3d 345 (6th Cir 2008)
- *Quick Communications, Inc v. Michigan Bell Telephone Co*, 515 F3d 581 (6th Cir 2008)
- *JPMorgan Chase Bank, NA v. Winget*, 510 F3d 577 (6th Cir 2007)
- *Lorillard Tobacco Co v. Amouri's Grand Foods, Inc*, 453 F3d 377 (6th Cir 2006)
- *Lepard v. NBD Bank*, 384 F3d 232 (6th Cir 2004)
- *John Hancock Financial Services, Inc v. Old Kent Bank*, 346 F3d 727 (6th Cir 2003)
- *Ford Motor Co v. Catalanotte*, 342 F3d 543 (6th Cir 2003)
- *Hunley v. DuPont Automotive*, 341 F3d 491 (6th Cir 2003)
- *Cassidy v. Akzo Nobel Salt, Inc*, 308 F3d 613 (6th Cir 2002)
- *Rouse v. DaimlerChrysler Corp*, 300 F3d 711 (6th Cir 2002)

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- *Paschal v. Flagstar Bank, FBS*, 295 F3d 565 (6th Cir 2002)
- *Michigan Paytel Joint Venture v. City of Detroit*, 287 F3d 527 (6th Cir 2002)
- *Wonderland Shopping Center Venture Ltd Partnership v. CDC Mortgage Capital, Inc*, 274 F3d 1085 (6th Cir 2001)
- *Santino v. Provident Life & Accident Insurance Co*, 276 F3d 772 (6th Cir 2001)
- *Michigan Bell Telephone Co v. Engler*, 257 F3d 587 (6th Cir 2001)