

Resume

EDUCATION

J.D., Wayne State University Law School
June 1983

A.B., University of Michigan
May 1965. Major: English. Minors:
Latin, Psychology.

ADMISSIONS

Michigan
Indiana, *pro hac vice*
Florida, *pro hac vice*
Virginia, *pro hac vice*
U.S. District Court for the Eastern District
of Michigan
U.S. Supreme Court

ACADEMIC APPOINTMENTS

Adjunct Professor, Family Law, Wayne State
University Law School, from 2003 through 2019.

LEGAL EXPERIENCE

Litigation experience in the following Michigan
Counties: Washtenaw, Wayne, Oakland, Mason,
Genesee, Ingham, Macomb, Livingston, Kalamazoo,
Branch (by assignment), Court of Claims, Calhoun,
Monroe, Lenawee, Huron, Marquette, and Jackson.
Appeared *pro hac vice* in complex mortgage
foreclosure case in Fort Walton Beach, Florida and
custody case in Fort Wayne, Indiana. Tried first case
in the new Michigan Court of Claims. Appeared
pro hac vice in commercial fraud case in Virginia.

Federal Jury trials and/or summary judgment:

Coster v. Booras, Case # 5:91-cv-60489-GL, United
States Federal District Court for the Eastern District
of Michigan. Securities fraud case tried to jury
verdict in 1992 of \$782,000.

Davison v. Van Wert, et al, 837 D.Supp.235 (1993), United States Federal District Court for the Eastern District of Michigan. First Amendment case tried to jury verdict in 1996 of \$1,200,000.

Johnson v. City of Saline, 151 F3d 564 (1998), Sixth Circuit Court of Appeals. Prevailed on motion for summary judgment on behalf of cable television manager who was disabled and requested accommodation under the Americans with Disabilities Act. Later settled the case in 2000 after prevailing on appeal.

Representative Appeals:

Johnson v City of Saline, 151 F3d 564 (1998)

In re Clausen (“Baby Jessica Case”), 442 Mich 648 (1993). Washtenaw County Circuit Court (1993). Prevailed on appeal to Michigan Court of Appeals, Michigan Supreme Court, and United States Supreme Court. Motion for summary disposition filmed by ABC's "20/20." Entire trial broadcast live by Court TV to over 8,000,000 households nationally. Later appearances related to case on "Good Morning, America"; Court TV; "Larry King Live"; "Kelly & Company", a/k/a "Company" (on WXYZ, the Detroit ABC affiliate); "Spotlight on the News" (on WXYZ); "Inside Edition"; and "Sonja." Repeated participation on radio programs by telephone interview (including program from Perth, Australia on 6PR). Featured as attorney in profile pieces in October 1993 in The American Lawyer and The American Bar Association Journal. Family Law Expert for Court TV in New York City on November 29 and 30, 1993 regarding custody trial in Cleveland, Ohio.

Loutts v Loutts, 298 Mich App 21 (2012)

Unthank v Wolfe, 483 Mich 964 (2009)

Harvey v Harvey, 237 Mich App 432 (1999) (mentions Faupel's 1991 law review article)

Watkins v Manchester, 220 Mich App 337 (1996)

In re MKK, 286 Mich App 546 (2009)

In re MKK, 780 NW2d 839 (Mich 2010)(leave denied)

In re MKK, 486 Mich 909 (2010)

Costanza v Alexander and Alexander, Docket
#115546, 114203, 111391, 109518

LEGAL **AFFILIATIONS**

1990 to 2020

Marian L. Faupel, P.C.

Past sole shareholder of professional corporation practicing in areas of real estate, complex commercial litigation, family law, and constitutional law.

May 1988 to May 1990

**Schlüssel, Lifton, Simon,
Rands, Galvin & Jackier, P.C.** (dissolved)
101 N. Main, Suite 400
Ann Arbor, Michigan 48104
Telephone: (313) 930-9600

Of counsel. Work concentrated in commercial and domestic litigation; franchising; real estate; and secured transactions, including foreclosure law.

September 1986 to May 1988

**Rose, Schmidt, Chapman, Duff & Hasley
Burnham, Connolly, Oesterle & Henry***
(dissolved)

*Note: The attorneys with Rose, Schmidt in Michigan formed a new firm as of February 1, 1987 known as Burnham, Connolly,

Oesterle & Henry with which I associated as of that date.

121 W. Washington, Suite 300
Ann Arbor, Michigan 48104
Telephone: (313) 761-1870

Practice as Associate Attorney in areas of property taxation and exemption, commercial litigation, franchise law, real estate, and family law.

May 1984 to September 1986

Hill, Lewis, Adams, Goodrich & Tait
201 E. Catherine, Suite 3
Ann Arbor, Michigan 48104
Telephone: (313) 663-2100

Ann Arbor office closed in 1986. Hill Lewis now known as Clark Hill and maintains its principal office in Detroit, Michigan.)

Practice as Associate Attorney in areas of corporate law, bankruptcy, family law, commercial litigation, property taxation and exemption, real estate, and franchising. Drafted franchise agreement, uniform franchise offering circular, and various other documents for a national franchisor.

August 1983 to April 1984

Smith, Hirsch, Brody & Weingarden
(dissolved)
1100 Fisher Building
Detroit, Michigan 48202
Telephone: (313) 874-4600

As Associate Attorney, had pre-trial litigation experience, including drafting of complaints, answers, and other pleadings; motions; briefs; affidavits; research memoranda; settlement agreements; and mediation summaries. Conducted formal

and informal discovery, including personal search of public records. Engaged in study of four major commercial leases preliminary to development of new standard commercial lease form for the firm.

April 1982 to June 1983

Wayne Law Review. As Survey Editor, had total responsibility for the 1982 Annual Survey of Michigan Law, an 850-page survey of twenty-one areas of Michigan law. Responsibilities included solicitation of practitioner-authors, editing of articles, oversight of technical process, and supervision of junior Review members.

October 1981 to April 1982

Michigan Court of Appeals. Assigned to Judges William Beasley, Michael Kelly, and Jerome Bronson. Responsibilities: research memos and library maintenance.

Summer 1981

14th Judicial District Court. Law Clerk to Judge Kenneth Bronson. Responsibilities and opportunities: opinion drafting in civil and criminal matters; research and drafting of jury instructions; observation of pre-trial conferences, sentencing, probation interviews, and trials.

Served as expert in case involving termination of parental rights and am regularly consulted by area adoption agencies and asked to represent prospective adoptive parents during contested adoption proceedings. Have represented putative fathers during hearings under MCL 710.39 and petitioners during hearings under MCL 710.45. Have substantial expertise regarding the Adoption Code, the Child Custody Act, the Uniform Child Custody Jurisdiction Enforcement Act, the Paternity Act, Revocation of Paternity Act, and other statutes relating to adoption, parental rights, custody, support, parenting time, grandparent visitation, and third-party custody issues.

SEMINARS ATTENDED

- In 2016, attended seminars on Domestic Violence, Parental Alienation, and Same Sex Marriage. Took the 40-hour civil mediation course through ICLE.
- 2005 Understanding the New Bankruptcy Reform Act: What Every Lawyer Needs to Know through the Institute for Continuing Legal Education, Ann Arbor, MI
- 2005 Completed Civil Mediation Training (40 hours) through the Institute for Continuing Legal Education, Ann Arbor, MI
- 1991 Dunn & Bradstreet--Management Seminar
- 1991 Homeward Bound Seminars (Real Property Law Section, State Bar of Michigan)
- 1990 ABA--Forum Committee on Franchising (New Orleans)
- 1989 Professional Education Systems, Inc. Michigan Mortgage Foreclosures
- 1988 ABA - Forum Committee on Franchising (Atlanta)
- 1986 Northwest Center for Professional Education Tax Structuring for Real Estate After 1986 Tax Reform
- 1986 ABA - Forum Committee on Franchising (San Antonio)
- 1985 Illinois Institute for Continuing Legal Education Real Estate Syndications
- 1985 Institute of Continuing Legal Education How to Create and Advise a Small Corporation
- 1985 Institute of Continuing Legal Education Michigan Court Rule Seminar
- 1985 National Business Institute, Inc. Foreclosure and Repossession

- 1984 Institute of Continuing Legal Education
Getting Ahead in Law Practice in
the '80s (Institute on Law Office
Management)
- 1984 Northwest Center for Professional Education
Tax Planning for Real Estate
Development and Syndication
- Professional Education and the Continuing Legal
Education Division -- Commercial Lending Seminar
- 1984 Real Property Law Section, State Bar of Michigan and
the Institute of Continuing Legal Education
Real Estate Sales Transactions
- 1983 Federal and State Bar
Federal and State Court Seminar for
New Attorneys
- 1983 Lexis Advanced Training
- 1982 Michigan Trial Lawyers Association
District Court Criminal Practice
Seminar How to "Win" at Mediation
- 1978 Real Estate Program
University of Michigan
Appraisal of Real Estate

PUBLICATIONS

Faupel, Jurisdictional Issues in a Divorce,
Res Ipsa Loquitur, the Washtenaw
County Bar Magazine, published monthly (2010).

Faupel, Michigan Family Law Journal, State Bar of
Michigan, Special Edition, Expert Witnesses, "Using
Experts in Domestic Cases," at 4-8, (2000).

Family Law, 1995 Ann. Survey of Mich. Law, 42
Wayne L. Rev. 897 (1996).

Family Law, 1994 Ann. Survey of Mich. Law, 41 Wayne
L. Rev. 939(1995).

Faupel, The "Baby Jessica Case" and the Claimed Conflict Between Children's and Parents' Rights, 40 Wayne L. Rev. 285 (1994).

Family Law, 1993 Ann. Survey of Mich. Law, 40 Wayne L. Rev. 793 (1994).

Real Property, 1991 Ann. Survey of Mich. Law, 38 Wayne L. Rev. 1185 (1992).

Family Law, 1990 Ann. Survey of Mich. Law, 37 Wayne L. Rev. 857 (1991).

Family Law, 1989 Ann. Survey of Mich. Law, 36 Wayne L. Rev. 611 (1990).

Commercial Transactions and Contracts, 1988 Ann. Survey of Mich. Law, 35 Wayne L. Rev. 361 (1989).

Taxation, 1987 Ann. Survey of Mich. Law, 34 Wayne L. Rev. 1075 (1988).

Real Property Law, 1986 Ann. Survey of Mich. Law, 33 Wayne L. Rev. 767 (1987).

Real Property Law, 1985 Ann. Survey of Mich. Law, 32 Wayne L. Rev. 805 (1986).

Trusts, 1985 Ann. Survey of Mich. Law, 32 Wayne L. Rev. 943 (1986).

Family Law, 1984 Ann. Survey of Mich. Law, 31 Wayne L. Rev. 597 (1985).

Author of a seven-part series on foreclosure by advertisement in Res Ipsa Loquitur, the Washtenaw County Bar Magazine, published monthly. Also authored series in Res Ipsa Loquitur on how to foreclosure on real property pursuant to a civil judgment.

History of the Annual Survey of Michigan Law and a Statistical Analysis of the Supreme Court of Michigan

During the Survey Period, 29 Wayne L. Rev. 279 (1983).

Casenote, Right of Contribution - Equal Pay Act - Title VII - Collective Bargaining Agreement - Liability of Union to Employer for Contribution to Backpay Award, 28 Wayne L. Rev. 1521 (1982).

Note: The Michigan Court of Appeals cited with approval to *Wayne Law Review* articles written by Marian Faupel in the following decisions: *Heike v Heike*, 198 Mich App 289 (1993), and *Harvey v Harvey*, 237 Mich App 432 (1999).

PRESENTATIONS

Presenter at Michigan Association of School Administrators 1986 Fall Conference in Traverse City, Michigan. Topic: "How to Negotiate Your Exit."

Frequent Presenter of University of Michigan Retirement Seminars, sponsored through Human Resources Department.

Presenter at Oakland County Bar Association Employment Section on "AIDS in the Workplace" (Spring 1993)

Presenter at Detroit Hellenic Bar Association on *DeBoer v. Schmidt* case (Fall 1993)

Presenter at Oakland County Bar Association Juvenile Law Section on *DeBoer v. Schmidt* case (Summer 1993)

Presenter at Washtenaw County Trial Lawyers Association meeting on *DeBoer v. Schmidt* case (Fall 1993)

Presenter at Michigan Registers of Deeds Convention in Ann Arbor in August 1989. Topic: "Sheriff's Deeds"

Originator and Host of "Ask the Attorney," a live, weekly television show broadcast by Saline Visions/TV 22 in Saline, MI and environs. Show had approximately 8,000 viewers and was on the air continuously from Summer 1989 to Summer 1995.

OTHER EXPERIENCE

1965-70*

Teacher. Subjects taught: English, Latin, Communication Arts, G.E.D., Title I. Advisor to student groups and publications. Districts: Red Bank High School, Red Bank, N.J.; Elizabethtown High School, Elizabethtown, Ky.; St. John High School (now closed), Ypsilanti, Mich.

Received Permanent Teaching Certificate on 6/30/76 from State of Michigan, License #CC-NP5590447880. Licensed to teach all subjects in grades 7-8 and Psychology in grades 6-12; English in grades 6-12; and Latin in grades 6-12.

1967-68*

Personnel Specialist. U.S. Army Signal School, Ft. Monmouth, N.J. GS-7. Secret Clearance. Responsibilities: job classification, retirements, and placement.

1971-74

Journalist. Saline Reporter, Saline, Mich.

*Accompanied husband in U.S. Army from 1966-69.

From 2002 through 2018, was Adjunct Professor of Family Law at Wayne State's Law School.

COMMUNITY SERVICE

1978-1990, Trustee, Saline Area Board of Education. Budget: approximately \$15 million. Enrollment: approximately 3,000. Participated in labor negotiations with new and existing certified and non-certified bargaining units; initiated energy program, saving district over \$300,000; attended national and local conferences on administrative evaluations, budget preparation, and curriculum development.

Past Director of **Washtenaw School Officers Association.**

From 1970 through 1980, extensive community involvement including Chairman, Industrial Business Development Commission; Member, Tax Board of Review (completed six-year study of commercial and industrial tax assessments); Jury Duty (Circuit Court); Vice President, United Fund; President, Friends of the Library. Public Relations Consultant to Saline Community Hospital, Red Cross, Saline Area Schools, and numerous political candidates.

HONORS

Wayne Law Review

Survey Editor, 1982-83

Junior Member, 1981-82

William D. Traitel Scholarship (1982-83)

Wayne State University Law School

2008 Recipient of the 5th Annual William Barber Distinguished Alumni Award from the Wayne Law Review

Kappa Tau Alpha, National Honorary Journalism Society

Nominated for Distinguished Service Award and Woman of the Year, Saline Area Jaycees, Saline, Mich.

Certificate of Achievement presented by the Washtenaw County Bar Association on April 30, 1986

One of the Twelve 1994 Recipients of the Detroit News' "Michiganian of the Year Award," given in the past to, *inter alia*, Mary Fisher; Rosa Parks; Judge Damon J. Keith; Bo Schembechler; and Lee Iacocca.

BAR ASSOCIATION ACTIVITIES

From 1985 to 1995, Editor of Washtenaw County Bar Association Magazine, Res Ipsa Loquitur, published monthly and mailed to over 800 attorneys in Washtenaw County.

Twice elected member of Representative Assembly of Michigan Bar Association, representing 22nd Judicial Circuit (Washtenaw County)(1987 to 1993).

PERSONAL

Married since March 27, 1965 to Kirk A. Faupel, a retired Captain for North Central Airlines, then Republic, then Northwest Airlines (now Delta); formerly Master Executive Chairman of the Republic Pilots ALPA Group from 1985 to 1990. Mother of Corey Faupel, owner of CTC Technologies (an Ann Arbor computer hardware company). Family includes daughter-in-law Tracie Faupel, Director of Operations at Michigan Association of Planning in Ann Arbor; and grandchildren Caden Faupel and Nina Faupel. Graduated high school from St. Joseph Academy in Adrian, Michigan (a then boarding school run by the Adrian Dominicans).