



## Julie I. Fershtman

Shareholder

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A practitioner for 38 years, Julie Fershtman represents clients in a broad range of business, contract, personal injury, and insurance coverage litigation pertaining to several industries. Her clients range from major insurance companies and businesses to individuals. Her work includes trials, arbitrations/ADR and appeals. Julie previously served on the firm's Executive Committee as former Vice President of the Southeast offices.

Additionally, she is widely considered one of the nation's leading practitioners in equine law. She has handled matters for a national clientele involving contract disputes, fraud, association liability, partnership disputes, and personal injury liability. She has also helped draft and advocate for legislation impacting the industry.

She has achieved numerous courtroom victories and successfully tried cases before juries in four states. Clients have retained her to serve as *pro hac vice* (specially admitted out-of-state) counsel in state and federal courts in Florida, Missouri, Ohio, South Carolina, Tennessee, Georgia, Illinois, Arizona, Connecticut, Kentucky and Pennsylvania.

In addition to her law practice, Julie is active in bar associations. She was the 77th President of the State Bar of Michigan, a 45,000-member mandatory bar, and was only the fifth woman in the bar's history to be elected to this role. The State Bar appointed her to serve on the ABA House of Delegates, representing Michigan. She is well-known to judges and lawyers across Michigan through her bar leadership and her co-chair work in 2015 and 2016 for the State Bar of Michigan's 21<sup>st</sup> Century Practice Task Force. She is Vice President of the Michigan State Bar Foundation, past Director of the Michigan Supreme Court Historical Society and a fellow of the American, Michigan, Oakland County and Detroit bar foundations. Fellow membership is typically reserved to approximately 1 percent of lawyers.

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### PRACTICE AREAS

Insurance Defense  
Business & Commercial Litigation  
Equine Law  
General & Commercial Litigation  
Insurance Coverage  
Agri-Business  
Arbitration & Mediation  
Appellate Practice  
Employment Litigation

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### EDUCATION

Emory Law School, J.D. 1986  
Emory College, B.A. 1983

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### BAR AND COURT ADMISSIONS

State Bar of Michigan  
U.S. District Court for the Eastern District of Michigan  
U.S. District Court for the Western District of Michigan  
U.S. District Court for the Western District of Missouri  
U.S. District Court for the Northern District of Illinois  
U.S. Court of Appeals for the Sixth Circuit

*Pro hac vice* bar admissions on cases in 20 jurisdictions

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### HONORS & RECOGNITIONS

**Legal Ratings:**

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A frequent author on legal issues, she has written more than 400 published articles, eight ABA law journal articles (co-authored), two blogs, and four books. The ABA published her last two books. Her latest book, *Equine Law and Horse Sense*, received four national book awards since its publication in 2019, including a "First Place" in the NYC Big Book Awards, and a "Silver" Award from the Independent Book Publishers Association.

A highly sought-after national speaker in 29 states, her topics cover issues involving law, liability, agribusiness, insurance, equine law, and risk management. Her speaking engagements include a law school commencement address, panels at three ABA Annual Meetings, conferences of the International Risk Management Institute, Property & Liability Resource Bureau National Claims Conferences in three states, as well as conferences of the State Bar of Michigan, New York State Bar Association, Kentucky Bar Association, and Washington State Bar Association.

## REPRESENTATIVE MATTERS

### Business Litigation

- Won a product liability/UCC/negligence case for a product retailer client, resulting in dismissal of all claims. Won appeal of case.
- Representing a plaintiff in the trial of a sales fraud/Uniform Commercial Code/Deceptive Trade Practice case, won on all counts and won 100% attorney fee award for clients.

### General Liability

- Won summary judgment on behalf of transportation and delivery contractors who were sued for wrongful death after explosion at delivery site, dismissing all claims against them.
- Defended a foster care placement agency in a wrongful death case, securing dismissal of all claims against it in State court as well as subsequent Federal court proceedings.
- Won bench trial and secured dismissal of lawsuit against premises owner and its security staff involving claims of serious injuries to patron.

### Real Estate Litigation

- Co-counsel at trial on adverse possession/quiet title lawsuit, resulting in a ruling in clients' favor.

AV® Preeminent™ (5.0/5)  
Martindale-Hubbell Law Directory

*Best Lawyers in America*®  
2013-2024 for Commercial  
Litigation, Insurance Law

Michigan *Super Lawyers*, ® Civil  
Litigation Defense, 2008-2023

"Top 50 Women Lawyers," Michigan  
*Super Lawyers*, ® 2013-2023

"Top 100 Michigan Lawyers,"  
Michigan *Super Lawyers*, ®  
2019-2023

Michigan Leading Lawyer by the  
Leading Lawyers Network,  
2014-2024

"10.0/10 - Superb" (highest rating)  
by avvo.com

"Top Lawyer," in Insurance Law,  
DBusiness Magazine 2009, 2010,  
2015-2018, 2020-2024

Senior Fellow, Litigation Counsel of  
America (2014 - )

America's Top 100 High Stakes  
Litigators®, 2023, 2024

### Recognitions:

Michigan Lawyers' Hall of Fame,"  
*Michigan Lawyers Weekly*, 2024.

"Notable Woman in Law," Crain's  
Detroit Business, 2024

"Woman of the Year" Award in the  
Michigan Legal Profession, *Michigan  
Lawyers Weekly*, 2016

"Roberts P. Hudson" Award, State  
Bar of Michigan, 2018

"Jean L. King Leadership Award,"  
Women Lawyers Association of  
Michigan, 2018

"Notable Women Lawyers in  
Michigan," Crain's Detroit Business  
2017

"Excellence in the Advancement of  
Animal Law Award," American Bar  
Association: TIPS Section, 2017

Michael Franck Award - State Bar of  
Michigan, 2014

"Respect for Law Award," *Bloomfield  
Hills Optimist Club*, 2012



- Counsel for historic building owner and manager in adverse possession, acquiescence lawsuit.

#### **Agribusiness and Equine Industries**

- Representing a national crop insurer, won an arbitration proceeding on a crop loss claim.
- Won a unanimous defense (no cause) verdict in equine liability case in Illinois after four-day jury trial.
- Won a directed verdict at trial in favor of defendant farm owner in defense of a personal injury case arising out of serious injuries sustained from a runaway horse.
- Successfully represented plaintiff in a nine-day trial for breach of contract against non-paying buyer and defeating buyer's counterclaim asserting defamation.
- Obtained multiple summary judgment rulings in favor of equestrian facilities, horse rental stables, and equine professionals and won subsequent appeals at the Michigan Court of Appeals.
- Defending sporting and recreational business operators, stables, equine industry professionals and stables, secured numerous summary judgment rulings, which resulted in dismissal of all claims.
- Represented horse buyer in litigation against sales agent involving fraud, secret commissions, and breaches of fiduciary duty.

#### **Agribusiness and Equine Industry Transactional Work**

- Drafted several hundred contracts involving equine industry transactions, including sales agreements, leases, boarding agreements, and waivers.
- Drafted a seven-figure sale contract involving the sale of a major champion stallion with retained breeding rights to seller.
- Drafted breeding contracts involving champion show horses addressing a variety of reproduction technologies.
- Served as counsel for the Michigan HBPA and for Michigan's largest equine breed association.

#### **Insurance**

"Michigan Top Lawyer (Insurance Law)", *Dbusiness Magazine*, 2009-2010, 2015-2018, 2021-2024

"Top 15 Women to Watch," *Crain's Detroit Business*, 2010

"Leader in the Law," *Michigan Lawyers Weekly*, 2010

"Woman in the Law," *Michigan Lawyers Weekly*, 2016

Inforum "Inner Circle" Award, 2010

"Metro Detroit's Most Influential Women," *Crain's Detroit Business*, 2007

"Professionalism Award," *Oakland County Bar Association*, 2000

"40 [Outstanding Business Leaders] Under 40," *Crain's Detroit Business*, 1996

"21 Young Lawyers Leading Us into the 21st Century," *ABA Barrister Magazine*, 1995

#### **Industry Honors:**

First Place, 2020 NYC Big Book Awards, Reference Book Category

First Place, American Horse Publications 2020 Equine Media Awards, Non-Fiction Book Category

Silver Award, 2020 Independent Book Publishers Association Book Awards, Pet Category

Finalist Medal, 2021 Next Generation Indie Book Awards, Animal/Pet Category

"Distinguished Service Award," *American Youth Horse Council*, 2013

"Equine Industry Service Award," *Michigan Equine Partnership*, 2013

"Partner in Safety" Award," *American Riding Instructors Association*, 2007

"Catalyst Award," *Michigan Horse Council*, 2002

"Outstanding Achievement Award," *American Riding Instructors Association*, 1998

"Associate Service Award," *United Professional Horseman's Association*, 1998



- Secured summary judgment rulings for insurers in defense of complex first-party property insurance coverage cases in State and Federal Illinois, Arizona, and Michigan courts.
- Won directed verdict for insurer at jury trial in defense of first-party insurance coverage case in Ohio.

"National Partnership in Safety Award," *Certified Horsemanship Association*, 1997

#### **Appellate**

- Won several appeals in the Michigan Court of Appeals and briefed two cases in the Michigan Supreme Court.

#### **SPEAKING ENGAGEMENTS**

**When Your Insureds Host Events On or Off Their Property - Specialized Risk Management**, *IRMI AgriCon Central Conference*, September 11, 2024

**Liabilities When Horses or Livestock are Injured in the Care of Your Insureds**, *IRMI AgriCon Central Conference*, September 10, 2024

**Equine Activity Liability Acts/Farm Animal Activity Liability Acts and Risk Management, Including Enforceability of Waivers**, *National Association of Mutual Insurance Companies' (NAMIC) 2024 Agricultural Risk Inspection School*, June 13, 2024

**Equine Liability Waivers: How They Work and Whether Yours Needs an Overhaul**, *PATH International Regional Conference*, May 4, 2024

**Equine Lease Disputes and How to Avoid Them**, *38th National Conference on Equine Law*, May 2, 2024

**Hosting Events Off-Premises: Risk Management and Coverage Issues**, *IRMI Emmett J. Vaughan Agribusiness Conference*, March 13, 2024

**Liabilities When Horses or Livestock are in the Care of Insureds**, *IRMI Emmett J. Vaughan Agribusiness Conference*, March 12, 2024

**Enforceability of Liability Waivers/Releases in Sporting, Recreational, Farm, and "Agri-tainment" Activities**, *Agricultural Claims Association*, February 21, 2024

**Livestock Mortality Insurance and Coverage Issues**, *Agricultural Claims Association*, February 20, 2024

**Combatting Incivility with Civility**, *Oakland County Bar Association*, November 9, 2023



**Michigan's Equine Activity Liability Act - Has It Had a Rough Ride in Court?**, *Michigan Horse Council: Equine Legislative Day*, October 25, 2023

**Hosting USEF Licensed Competitions and Managing Risks in Today's Environment: Part I - Understanding Your General Liability Coverage**, *U.S. Equestrian Federation*, July 10, 2023

**Advising Equine Clients on Risk Management**, *37th Annual National Conference on Equine Law*, May 4, 2023

**Case Studies: Lessons We can Learn from Three Boarding Stable Lawsuits**, *2023 International Risk Management Institute (IRMI) Agribusiness Conference*, February 7, 2023

**When Personal and Commercial Equine Operations Intersect: Keeping UWs and Agents a Step Ahead**, *2023 International Risk Management Institute (IRMI) Agribusiness Conference ("AgriCon")*, February 7, 2023

**Equine Liability Laws and Addressing Risk Management**, *American Horse Council*, August 22, 2022

**Equine Liability Laws**, *American Horse Council*, June 6, 2022

**An Update on Equine Activity Liability Acts**, *36th Annual National Conference on Equine Law*, May 4, 2022

**Equine Economics and Risk Management**, *Tennessee Master Horse Program*, March 17, 2022

**Case Studies: Lessons We Can Learn From Three Contentious Equine Mortality Lawsuits**, *"Agri Con," IRMI Emmett J. Vaughan Agribusiness Conference*, March 8, 2022

**Equine Activity Liability Act/Farm Animal Activity Liability Act Update**, *"Agri Con," IRMI Emmett J. Vaughan Agribusiness Conference*, March 8, 2022

**Liability and Prevention**, *New York State Bar Association Equine Law Symposium*, February 9, 2022

**How Equine Professionals Can Avoid Payment Disputes and Handle Them Legally if They Occur**, *Equestrian Professional*, January 24, 2022

**Women Lawyers Making A Difference: Interview with Julie Fershtman**, *Katy Goshtasbi Women Lawyers Making a Difference Podcast*, September 22, 2021

**Enforceability of Waivers/Releases in Sporting & Recreational Settings**, *Insurance Alliance of Michigan*, September 20, 2021

**Motorist's 3rd Party Claim Survives, Despite Fraud Dismissing the 1st Party Claim**, *Insurance Alliance of Michigan*, September 20, 2021

**Case Studies: Lessons We Can Learn from Two Contentious Agricultural Liability Lawsuits**, *International Risk Management Institute (IRMI) Agribusiness Conference - "Agri Con"*, May 17, 2021

**Equine Waivers Signed On Behalf Of Minors**, *35th Annual National Conference on Equine Law*, April 28, 2021

**Adjusting Loose Livestock Claims and Application of Fence Law**, *Agricultural Claims Conference*, April 21, 2021

**Adjusting Loose Livestock Claims and Application of Fence Law**, *Agricultural Claims Conference*, April 20, 2021



**Liability Waivers/Releases – and – Avoiding Disputes with Insurers**, *United Professional Horsemen's Association*, April 6, 2021

**Risk Management: Insights & Tips on Avoiding Liability from a Lawyer**, *Cornell Cooperative Extension – Madison County*, March 25, 2021

**Unique Equine Liability Risks Involving Minors - What They Are And How To Protect Yourself**, *American Youth Horse Council (AYHC) Annual Symposium*, March 4, 2021

**Equine Insurance Coverage Issues**, *Kentucky Bar Association (Equine Law Section)*, November 23, 2020

**Coverage Issues Involving Farm, Domestic, and Wild Animals**, *Emmett J. Vaughan Agribusiness Conference-Des Moines, IA*, September 15, 2020

**Minor Children and Waivers**, *Emmett J. Vaughan Agribusiness Conference-Des Moines, IA*, September 15, 2020

**Equine Activity Liability Laws: What Horse Owners, Associations, and Equine Professionals Need to Know**, *EquitanaUSA National eQuestrian Celebration*, September 4, 2020

**Coverage Issues Involving Farm, Domestic, and Wild Animals**, *Emmett J. Vaughan Agribusiness Conference 2020-Richmond, VA*, June 16, 2020

**Minor Children and Waivers**, *Emmett J. Vaughan Agribusiness Conference-Richmond, VA*, June 16, 2020

**Coverage Issues Involving Farm, Domestic, and Wild Animals**, *International Risk Management Institute: Agribusiness Conference "Agri Con"*, March 9, 2020

**Minor Children and Waivers**, *International Risk Management Institute: Agribusiness Conference "Agri Con"*, March 9, 2020

**Equine Activity Liability Acts**, *Annual Symposium of the Kentucky Journal of Equine, Agriculture, and Natural Resources Law (KJEANRL)*, February 28, 2020

**Equine Law: Liability, Contracts, and Risk Management for Lawyers**, *American Bar Association (ABA) Solo, Small Firm and General Practice Section*, January 14, 2020

**Equine Legal Liability**, *US Hunter Jumper Association Annual Convention*, December 11, 2019

**Equine Legal Liability**, *U.S. Hunter Jumper Association Annual Convention*, December 10, 2019

**Equine Activity Liability Acts and the Courts—What You Need to Know**, *Emmett J. Vaughan Agribusiness Conference-Des Moines, IA*, September 25, 2019

**Livestock Mortality Insurance—Battleground Areas for Legal Disputes and Options To Avoid Disputes**, *Emmett J. Vaughan Agribusiness Conference-Des Moines, IA*, September 25, 2019

**Fun on the Farm: Managing the Evolving Risks of Agritainment**, *Emmett J. Vaughan Agribusiness Conference-Des Moines, IA*, September 24, 2019

**Equine Activity Liability Acts and the Courts—What You Need to Know**, *Emmett J. Vaughan Agribusiness Conference-Richmond, VA*, June 19, 2019

**Fun on the Farm: Managing the Evolving Risks of Agritainment**, *Emmett J. Vaughan Agribusiness Conference-Richmond, VA*, June 19, 2019





**Livestock Mortality Insurance—Battleground Areas for Legal Disputes and Options To Avoid Disputes**, *Emmett J. Vaughan Agribusiness Conference-Richmond, VA*, June 19, 2019

**State Bar of Michigan Young Lawyers Section Annual YLS Summit**, *State Bar of Michigan*, May 17, 2019

**Equine Activity Liability Act Update**, *National Conference on Equine Law— Lexington, KY*, May 1, 2019

**Legal Issues in Hosting an Equine Clinic on your Farm**, *National Conference on Equine Law—Lexington, KY*, May 1, 2019

**Livestock Mortality Insurance—Battleground Areas for Legal Disputes and Options To Avoid Disputes**, *Emmett J. Vaughan Agribusiness Conference-Sacramento, CA*, April 17, 2019

**Equine Activity Liability Acts and the Courts—What You Need to Know**, *Emmett J. Vaughan Agribusiness Conference-Richmond, VA*, April 16, 2019

**Fun on the Farm: Managing the Evolving Risks of Agritainment**, *Emmett J. Vaughan Agribusiness Conference-Sacramento, CA*, April 16, 2019

**Livestock Liability - Loose Livestock, Cow Out & Trespassing Claims**, *Agricultural Claims National Conference*, March 19, 2019

**Bad Faith in Commercial Agribusiness**, *Agricultural Claims National Conference: Kansas City, Missouri*, March 18, 2019

**Equine Liability Laws and Exposures - What Every Equine Business Owner Need to Know**, *equestrianprofessional.com*, December 17, 2018

**Equine Activity Liability Acts (Now in 48 States)**, *American Horse Council National Webinar*, November 14, 2018

**ICLE Niche Practices Seminar**, *Institute of Continuing Legal Education (ICLE)*, August 8, 2018

**Animal Law For Insurance Lawyers: A Walk On The Wild Side**, August 3, 2018

**Emmett J. Vaughan Agribusiness Conference**, June 28, 2017

**The Times They Are a-Changin': "Legal Futures: The State Bar's 21st Century Practice Task Force Report"**, *Oakland County Bar Association Circuit-Probate Bench/Bar Conference*, May 12, 2017

**Common Characteristics of Effective Waivers/Releases: Dissecting the Elements**, *Emmett J. Vaughan Agribusiness Conference-International Risk Management Institute*, May 9, 2017

**Crossfire: Trainers, Boarding Stables & Owner Conflicts & How to Reduce or Resolve Them**, *National Conference on Equine Law*, May 3, 2017

**Panel Discussion: Overcoming Hurdles in Every Decade**, *Woman Lawyers Association of Michigan*, April 28, 2017

**Legal Marketing for Solo-Small Firm Practitioners**, *State Bar of Michigan Solo & Small Firm Section*, April 27, 2017

**Future of Practice of Law**, *Michigan Defense Trial Counsel*, November 11, 2016

**Enforceability of Liability Releases: Recurring Issues and Drafting Considerations**, *National Conference on Equine Law*, May 4, 2016



**International Risk Management Institute Agribusiness Conference**, *International Risk Management Institute Agribusiness Conference*, April 27, 2016

**Everything You Always Wanted to Know About Equine Activity Liability Acts But Were Afraid to Ask**, *Equestrian Professional National Webinar*, December 14, 2015

**Kansas Association of Insurance Agents Agribusiness Insurance Conference, Equine Liability & Risk Management**, October 21, 2015

## **PUBLICATIONS**

**Michigan Court of Appeals Ruling Adds Challenges for Premises Owners and Their Insurers as to Premises Liability Cases**, *Insurance Regulatory News E-blast*, January 22, 2024

**Michigan Supreme Court Announces Seismic Shift in Premises Liability Cases**, *Insurance Regulatory News E-blast*, August 2, 2023

**Liability Releases for Agritourism Activities – Don't Fall Prey to Myths**, *Foster Swift Agricultural Law News*, March 31, 2020

**Animal Law for Insurance Lawyers**, *American Bar Association: Tort Trial & Insurance Practice Law Journal*, February 4, 2020

**Equine Law and Horse Sense**, *American Bar Association (ABA)*, October 29, 2019

**The Art of Mentoring**, *DBusiness*, February 2019

**Who Signs a Liability Release at Your Facility?**, *Riding Instructor Magazine: Spring 2019 issue*, February 25, 2019

**When the Hoof Meets the Road**, *Foster Swift Agricultural Law News*, January 23, 2019

**Equine industry liability releases: are fewer words better?**, *Lexology, The Riding Instructor*, March 28, 2016

**Stable Liability: How Expert Witnesses can Make or Break an Equine Lawsuit**, *Lexology*, March 10, 2016

**Can You Repossess a Horse When the Buyer Fails to Pay?**, *Miniature Horse News*, October 19, 2015

**What You Didn't Know About Liability Insurance**, *Equine Chronicle*, October 19, 2015

**Our State Has No Equine Activity Liability Act- Are We Worse Off?**, *The Riding Instructor*, Fall 2015

**Liability Insurance for Small Equine Businesses**, *Equine Chronicle*, April 3, 2015

**Julie Fershtman on Mentoring**, *The Mentor*, January 27, 2015

## **MEMBERSHIPS & AFFILIATIONS**

### **Legal Affiliations:**

- American Bar Association
  - Michigan Delegate, ABA House of Delegates, 2010-2012; 2019-2023
  - Vice-Chair, ABA-TIPS Animal Law Committee, 2005-2014





- American Bar Foundation, Life Fellow
- State Bar of Michigan
  - President, 2011-2012
  - 21st Century Practice Task Force, Co-Chair, 2015-2016
  - Task Force on State Bar Scope of Operation, Structure, and Governance (2019-2020)
  - Chair, Representative Assembly (final policy-making body), 2001-2002
  - Chair, Young Lawyers Section, 1995-1996
  - Board of Commissioners, 1994-1997, 1999-2002, 2003-2012
- Michigan State Bar Foundation
  - Board of Trustees 2003-present
    - Vice President, 2022-Present
    - Secretary, 2021-2022
  - Fellow
- Michigan Supreme Court Historical Society, Board of Directors, 2015-2024
- Oakland County Bar Association
- Oakland County Circuit Court Co-Ombudsperson, 2020-Present
  - Board of Directors, 2001-2008
  - Secretary, 2007-2008
  - Professionalism Committee 1995-2002, Chair, 1998-1999
  - Inns of Court Committee, Secretary/Barrister, 1995-1999
- Oakland County Bar Foundation, Life Fellow
- Detroit Bar Foundation, Life Fellow

**Community Activities:**

- Advisory Board, American Riding Instructors Association, 1998-present
- Advisory Board, Equine Land Conservation Resource, 2008 – present
- Director, American Youth Horse Council, 2003-2007
- Director, Equine Land Conservation Resource, 2004-2007
- Commissioner, Franklin Village Planning Commission, 1993-1995
- Appointee, Franklin Village Charter Committee, 1993-1994

**RECENT BLOG POSTS**

**Equine Law Blog**

Review Your Liability Insurance on Insurance Awareness Day



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Latest Word on “Dangerous Land” Under State Equine Activity Liability Acts

Common Characteristics of Equine Sale Disputes—And Ways to Avoid Them

How Equine Professionals Can Avoid Payment Disputes and Handle Them Legally if They Occur

Equine Event Liabilities – Plan Ahead

Legal Ramifications of Providing Veterinary Advice Online

Plan Ahead When Lending or Borrowing a Horse Trailer

Our State Has No Equine Activity Liability Act – Are We Worse Off?

Equine Health Maintenance Programs at the Boarding Stable – What’s Best?

What’s the Problem with Verbal Contracts?

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