

Courtney F. Kissel

Member

Bloomfield Hills

39577 Woodward Avenue
Suite 300
Bloomfield Hills, MI 48304



T: 248-203-0743 ckissel@dykema.com

Areas Of Practice

Government Policy & Practice
Administrative Law & Regulation
Public Finance
Gaming & Indian Law
Nonprofits & Tax-Exempt Organizations
Telecommunications Regulatory
Appellate

Industries

Energy Industry Group
Electric Cooperatives
Electric Transmission
Energy Corporate
Energy Lending Transactions
Energy Litigation & Appeals
Energy Regulatory
Siting, Zoning, Licensing & Energy Infrastructure
Education
Higher Education

Bar Admissions

Michigan, 2010
Wisconsin, 2010

Court Admissions

U.S. District Court, Eastern District of Michigan
U.S. District Court, Western District of Michigan

Education

University of Wisconsin Law School, J.D., *magna cum laude*

Courtney Kissel's practice primarily focuses on government policy, including state constitutional law, election law, insurance law, Indian law, public finance, and public utility law. Ms. Kissel is also significantly involved in Dykema's appellate practice.

In her government policy practice, Ms. Kissel has represented a number of universities in relation to a variety of constitutional issues, including issues related to university funding, constitutional autonomy, and academic freedom. Ms. Kissel has also represented a variety of clients in analyzing issues under the Open Meetings Act and the Freedom of Information Act, including applicability and compliance issues. Ms. Kissel has also been hired to advise state executive officials on a variety of issues. In Michigan, Ms. Kissel has been appointed as a Special Assistant Attorney General on a number of regulatory issues. And, in addition, the State of Wisconsin and the State of Indiana both hired Ms. Kissel to advise their respective Governors on various issues related to tribal gaming and the complicated jurisdictional issues that relate to tribal sovereignty for state governments. Finally, Ms. Kissel has represented a number of energy companies, including electric cooperatives and independent transmission companies, on a wide range of regulatory and compliance issues. Ms. Kissel has handled everything from routine regulatory filings with the Michigan Public Service Commission to managing complex cross-jurisdictional discovery dockets for an electric transmission company that sought numerous local, state, and federal approvals of a merger transaction, which included coordination of multiple outside legal counsel, in-house legal counsel, in-house technical specialists, and regulators.

Ms. Kissel has also represented a variety of clients, including insurance companies, energy companies, and nonprofit organizations, before the Michigan Court of Appeals and Michigan Supreme Court on dozens of appeals.

In her public finance practice, Ms. Kissel has served as bond counsel and underwriter's counsel to numerous state and local issuers. Some of the public finance transactions which Ms. Kissel has recently completed include:

- Counsel to the Michigan Public Service Commission in connection with the approval of the issuance by the Detroit Edison Company of \$1.75 billion of securitization bonds to recover certain costs in connection with the State's utility deregulation legislation.
- Bond Counsel to the State of Michigan on two separate \$900 million cash flow borrowings

Courtney F. Kissel (Cont.)

- Law Review, Note & Comment Editor

University of Michigan, A.B.

- with highest distinction

- Underwriter's Counsel in connection with a \$493 million advance refunding bond issue for the State of Michigan Building Authority

Ms. Kissel graduated in the top ten of her law school class and served as a Note and Comment Editor for the Wisconsin Law Review. While attending law school, she also was an extern for the Wisconsin Supreme Court and an intern for the General Counsel of the University of Wisconsin Hospital and Clinics. Ms. Kissel received awards for Academic Excellence in Substantive Criminal Law, Secured Transactions, and Constitutional Law II.

Significant Decisions

- *Smith v McPharlin*, ___ F Supp 3d ___; 2018 U.S. Dist. LEXIS 151043 (ED Mich, May 11, 2018). Successfully defended the constitutionality of Michigan's No-Fault Act in federal court.
- *Ace American Insurance Company v Workers' Compensation Agency/ Director*, unpublished decision of the Court of Appeals (Feb 17, 2015). *Amicus curiae* of the Michigan Insurance Coalition in support of Court of Claims' holding that the filing of a form notice did not create insurance liability independent of an insurance policy to which that form refers.
- *Demery v Auto Club Ins Ass'n*, 2014 Mich. App. LEXIS 1044. Successfully obtained reversal of a trial court's grant of discovery against a non-party to produce confidential and proprietary information that was irrelevant to the Plaintiff's claims. Michigan Supreme Court denied application for leave. 2015 Mich. LEXIS 77.
- *In re City of Benton Harbor Mayoral Recall Petition*, Michigan Supreme Court Case No. 150019 (2014). Obtained emergency reversal of lower court decision directing City Clerk to count duplicate recall petition signatures.
- *Coalition Protecting Auto No-Fault et al v The Michigan Catastrophic Claims Association*, 305 Mich App 301; 852 NW2d 229 (2014). Successfully defended against a challenge to the constitutionality of the Michigan Catastrophic Claims Association's statutory exemption from the Freedom of Information Act.
- *Old Republic Ins Co v Michigan Catastrophic Claims Association*, 493 Mich 856; 820 NW2d 777 (2012). Michigan Supreme Court denied leave to appeal a Court of Appeals' decision that upheld the Michigan Catastrophic Claims Association's right to recognize when member insurer's recover payments from third parties when evaluating the Association's indemnification obligation.
- *Herrick District Library v. Library of Michigan*, 293 Mich App 571; 810 NW2d 110 (2011). *Amicus curiae* of the Ann Arbor District Library in support of successful challenge to the Library of Michigan's power to adopt administrative rules governing the distribution of state aid to public libraries.
- *Groves, et al v Michigan Department of Corrections, Public Communications Services, Inc., et al*, 295 Mich App 1; 811 NW2d 563 (2011). Successfully defended award of Michigan Department of Corrections contract by State of Michigan to client.

Courtney F. Kissel (Cont.)

Seminars & Speeches

"Reopening Your In-Person Operations and State Executive Orders", Co.Act Detroit, Council of Michigan Foundations, Michigan Community Resources and the Michigan Nonprofit Association

June 19, 2020

Cannabis on Tribal Lands, The Seminar Group

June 21, 2019

Michigan Electric Utility Law Seminar

June 14, 2017

Caution Called For if you're on a Nonprofit Board, Michigan Association of CPA's

May 17, 2016

Publications

"Nonprofit Entities," Chapter 5, Co-Author

Michigan Business Formbook, Third Edition, Institute of Continuing Legal Education

"A Brief Primer on Recent FOIA Amendments: Increased Transparency and Increased Burden? Michigan's New FOIA Amendments"

March 13, 2015

"Court of Claims moving to Michigan Court of Appeals"

December 2013/January 2014

Ingham County Bar Association Briefs

Tribal Business Structures: A Guidebook on Different Structures for Tribal Business Entities and Incentives for Joint Ventures Between Michigan's Tribes and Non-Indian Businesses (Co-author)

2011

Available through the Michigan Economic Development Corporation

News

Courtney Kissel Named an "Up & Coming Lawyer" by *Michigan Lawyers Weekly*

November 5, 2019

Memberships & Involvement

- State Bar of Michigan
- State Bar of Wisconsin
- Ingham County Bar Association
- Federal Bar Association
- Women Lawyers Association of Michigan
- Detroit Economic Club, Young Leader Member
- Advancing Women in Energy

Awards & Recognition

Named to Oakland County Executive's Elite 40 Under 40 Class of 2020

Recognized in Michigan *Super Lawyers*® as a Rising Star in Government Relations, Appellate and Constitutional Law, 2017-2019

Courtney F. Kissel (Cont.)

Recipient of the 2015 Distinguished Brief Award, Thomas M. Cooley Law Review, for *Brief of Amicus Curiae Michigan Chamber of Commerce*, Michigan Supreme Court Docket No. 147700 (regarding the applicability of Michigan's freedom-to-work law to state employees under the Michigan Constitution)

Award for Academic Excellence in Substantive Criminal Law, Secured Transactions, and Constitutional Law II