

CURRICULUM VITAE

MICHAEL J. NICHOLS

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ADMITTED

State of Michigan

6th Circuit of the United States Court of Appeals

District Court, Eastern District of Michigan

District Court, Western District of Michigan

EDUCATION

1999 Thomas M. Cooley Law School, Lansing, Michigan, Juris Doctor,
Deans List multiple semesters.

December, 1993 Michigan State University, East Lansing, Michigan, Bachelor of Arts,
with Honors; Major in Political Science. National Honor Society
member.

EXPERIENCE

2006-present Founding Member – The Nichols Law Firm, PLLC

I represented Lisa Holland in one of the most notorious murders in Michigan history: *People v Holland*. I specialize in representing physicians, lobbyists, athletes, news personalities and others with high stakes, especially those dealing with criminal charges. DUI and criminal defense are my exclusive practice areas.

2005 – 2006 Of Counsel – The Gallagher Law Firm, PLLC I specialized in Litigation in both Criminal and Civil Practice focused on: No-Compete Clauses in Contracts; Complex Criminal Charges; Divorce and Custody. I also have represented a number of entertainers in contract negotiations and drafting.

2000 – 2005 The Reynolds Law Firm, P.C., Partner. Board of Directors (Vice President). I specialized in Litigation in both Criminal and Civil Practice.

1999 – 2000 Knot, Nichols & Meade, LLP (formerly Knot & Associates, P.C.) I successfully performed the following: criminal jury trials; civil litigation; school and government administrative hearings; and represented several media personalities in contract negotiations.

1998 – 1999 Knot & Associates, P.C., Clerk. I worked extensively on all facets of practice for a solo practitioner who was of counsel to a small

downtown Lansing firm.

1994 – 1998	WILX TV-10 Lansing, Michigan. Reporter/Anchor. I was responsible for reporting and broadcasting at least one new story per day, which included on-air presentation and usually live reporting. I filled in as an anchor frequently during the morning newscasts and weekend newscasts. My beats primarily entailed government/politics and law.
1998	CBS/Owned/Operated WWJ AM 950, Detroit, Michigan. I was hired as a writer and I also did fill-in reporting, producing and spent some time as an assignment editor.
1988 – 1994	Michigan News Network, Lansing, Michigan. I was the morning anchor/editor and I was responsible for disseminating daily newscasts and newsfeeds for a statewide radio news network with over eighty (80) affiliates.
March, 1987-November, 1988	WWSJ Radio 1580 AM, St. Johns, Michigan. I was the main news/sports anchor and reporter for a daytime AM radio station and handled every aspect of the news and sports broadcasts.

EXPERIENCE AND PROFESSIONAL ACTIVITIES

Criminal defense attorney	Over 100 cases tried before a jury.
Specializing in DUI and DUID cases	<p>Hundreds of evidentiary hearings on admissibility of evidence or constitutional violations. My practice is exclusive to defending those accused of drinking and drugged driving and criminal defense especially aggravated cases with difficult facts such as when injury or death are the result.</p> <p>Successfully excluded a .29 blood alcohol result because of unacceptable measurement and reporting practices by the Michigan State Police. The department began working to change its practices soon after the case.</p>
Author of the OWI Handbook for Lawyers	A treatise on DUI Law and Practice, published by Thomson Reuters West. I also write a I also co-authored an update in 2012 to the Chapter “DUI Mathematics” for the “Inside the Minds” series for Thomson West.
Author of “Mens Rea” column	Monthly column “Mens Rea” for the Legal Newspapers of Michigan.
Challenging the reliability of the Michigan State Police method	Detecting and reporting THC (marijuana) in human blood. As a direct result of this litigation, the Michigan State Police toxicology unit is reviewing its practices, expanding its “uncertainty budget” and may be increasing its cutoff level for reporting THC in blood.

American Academy of Forensic Sciences State Delegate	Associate member of the Jurisprudence Section. Michigan for the National College for DUI Defense and Sustaining Member.
Michigan Association of OWI Attorneys Professional affiliations	Founder and Secretary of the Association. I have the respect of the United States Attorneys and State Prosecutors with whom I handle cases because those who know me professionally know that I have no qualms about going to trial or litigating a case to obtain the best result possible for my client.
Expert witness	I have been qualified as an expert witness in DUI defense and Standardized Field Sobriety Testing (SFST) and DUI investigation.
Certified by National Highway Transportation Safety Administration (NHTSA)	I am certified by the in SFSTs and DUI investigation. I am also trained on the IACP and NHTSA protocol for Drug Recognition Evaluation (DRE).
Adjunct professor at Thomas M. Cooley Law School	DUI Law and Practice.
Ingham County Bar Association	Member and Briefs Committee, Bench-Bar Committee.
State Bar of Michigan, Criminal Law Section	Member, past president, invited to serve as a Fellow to the State Bar of Michigan Foundation.
Michigan Public Defense Task Force	Member.
Criminal Defense Attorneys of Michigan (CDAM)	Member, liason to the Present for indigent defense reform.
National Association of Criminal Defense Lawyers	Member.
National faculty at the Ohio Association of Criminal Defense Lawyers Excellence	DUI Defense Conference the American Academy of Forensic Science.
Criminal Defense Attorneys of Michigan Trial College	Trained faculty member.
Frequent lectures	On chemical testing, the law and client management for the Ingham County Bar Association. I lecture frequently on OWI and criminal defense issues. I recently delivered a lecture on revisions to Michigan's drunk driving statutes.

PRIOR PROFESSIONAL ACCOMPLISHMENTS

- October 2010 A prosecutor dismissed a charge of OWI boat in response to a motion I filed on behalf of a client arguing that the arresting officer did not have the legal right to arrest a citizen without a warrant. The client refused to perform standardized field sobriety tests and also refused the preliminary breath test.
- October 2010 Two life offenses (criminal sexual conduct 1st degree) were dismissed against a client! The client was allowed to plead to a charge of “seduction of an unmarried woman” with special probation that ultimately will lead to the dismissal of that charge as well. The police failed to adequately investigate certain aspects of this case. The charge arose from a fraternity party at Michigan State University in the fall, 2009. The advice that I gave to the client and the trial preparation that we undertook were critical in achieving an outstanding result in dire circumstances.
- October 2010 I lectured to a full house of attendees for the Ingham County Bar Association’s October Criminal Law section meeting on the new “Superdrunk” legislation and additional changes to Michigan law regarding drinking and drugged drivers.
- September 2010 An OWI 2d charge against a client was dismissed when I demanded trial despite a very high blood alcohol analysis. The arrest was five years old and my investigation revealed that the person who drew the client’s blood was no longer working for the hospital where the draw occurred.
- September 2010 An OWI 2d charge against a client was dismissed when I caught one of the police officers who arrested my client lying. The transcripts of her testimony at a driver license hearing and a subsequent motion hearing were provided to the court and to the prosecutor and the result was a dismissal.
- August 2010 I served as a faculty member for the trial college at the Criminal Defense Attorneys of Michigan (CDAM) at Thomas M. Cooley Law School.
- August 2010 I filed a motion to suppress the alleged blood alcohol content for a client in a high-profile criminal case. The prosecuting attorney attempted to amend the charge against the client but agreed that the amendment was not proper because the blood test was not admissible based on the arguments raised in our suppression motion.
- July 2010 I successfully presented a GERD theory to a jury in Clinton County. GERD means Gastroesophageal Reflux Disease. The Michigan Datamaster alleged that the client had a breath alcohol content of .12/.13. The jury’s verdict was not guilty.
- July 2010 I litigated a case to the point that I was able to negotiate an outstanding result for a client charged with OWI III. The facts were very difficult for the client. We conducted a preliminary examination. The arresting officer

testified well but also had a measure of compassion, even though the client refused the datamaster breath test. The result of the refusal was a 1-year suspension of the client's driving privileges. However, because the client's last conviction before this charge was almost 7 years old, the key was to avoid a conviction on the new charge until after 7 years passed and to appeal the suspension over the refusal. On the second day of the exam, I asked the arresting officer if he would agree not to appear at the hearing on the refusal if we waived the rest of the preliminary exam on the criminal case. He agreed. The result allowed the client to keep her license despite the refusal and despite the 3rd conviction on her record.

- June 2010 A district court judge dismissed an OWI charge because the officer did not have sufficient probable cause to detain a citizen. The officer was heard on the videotape from the police cruiser indicating that she could not smell the odor of alcohol. Despite that, she ordered the client to step from the vehicle. I filed a motion and following an evidentiary hearing that lasted several hours the judge dismissed the case in a written opinion.
- June 2010 I continued the hearing on a motion to exclude a blood test because the Michigan State Police toxicology lab did not utilize scientifically reliable methods. The issue was very complex. The brief that I filed following the hearing is preserved on several "brief banks" and is used by other attorneys as a resource to help them understand metrology and to assist in their litigation against the Michigan State Police toxicology lab.
- May 2010 A judge ordered no jail and a short probationary period for a client who was convicted following a jury trial of his 2d OWI in 7 years. The case was a very disappointing loss but the client followed my advice while the case was pending and completed a rehabilitation program and verified regular attendance at alcoholics anonymous (AA). The judge was extremely impressed and complimented the client on his great progress at rehabilitation.
- May 2010 A prosecutor dismissed an OWI case against a client based on problems that I revealed in the datamaster in the Ingham County Sheriff Department. The client was allowed to plead to a traffic ticket for careless driving when I uncovered and pointed out to the prosecutor that the instrument was not properly certified.
- April 2010 I negotiated the dismissal of two counts of felony criminal sexual conduct against a client. In exchange the client was allowed to plead guilty to one count of misdemeanor criminal sexual conduct with an agreement to allow the client to have work release. This case was very difficult but the client ultimately made the decision to accept an offer that he really could not refuse on the morning of trial.
- April 2010 I completed a certificate in the Mastering Scientific Evidence program put on by the Texas Criminal Defense Lawyers Association and sponsored by the National College of DUI Defense. The program was critical to my continuing my education in breath and blood testing in the context of

operating while intoxicated by alcohol and drugs.

- March 2010 I successfully defended a client from a claim for costs of prosecution in his case. The client was ordered to pay fines and costs but no probation after he was convicted of operating while intoxicated (OWI). The prosecuting official requested costs of over \$1,500.00 for the trial.
- March 2010 I appeared on behalf of a former Ingham County Judge who was again charged with Operating While Intoxicated (OWI) and successfully argued for minimal bond despite the request from the prosecuting attorney. The client was given a ticket for OWI in her purse but I discovered that the ticket was removed by law enforcement at the jail.
- February 2010 I successfully negotiated an outcome for a client charged with OWI II in which the client's plea would be taken under advisement so that he would not lose his driver license for a minimum 1 year. The client followed my advice and showed tremendous progress in rehabilitation for alcohol use. I filed a motion to suppress the breath test that was not successful but the judge elected to defer the conviction rather than risk an appeal.
- January 2010 I went to trial in a case in which the breath test result was .16 and .14. The theory was that the client inhaled volatile organic compounds while performing repair work on his deck. The jury was convinced that our theory was believable. However, because the prosecutor was allowed to introduce evidence that should have been excluded, the jury said it had no choice but to convict based on the inadmissible evidence.
- December 2009 A district court judge dismissed an OWI in the middle of the cross examination of the arresting officer. The officer testified that the datamaster produced an ambient failure message. The judge ruled that the officer should not have ignored the error message from the datamaster.
- November 2009 I represented a former judge accused of OWI/DUI. The case was dismissed after a multiple day evidentiary hearing. The judge's case was highly publicized. The judge previously was removed from office by the Judicial Tenure Commission (JTC).
- September 2009 A district court judge suppressed a datamaster in a felony OWI case. The judge also held that the prosecutor may not go to trial on the theory of OWI "per se" but only on the theory that the client was under the influence based on his behaviors and whether any of those behaviors resulted from the consumption of alcohol.
- September 2009 The prosecutor dismissed an OWI/DUI in the middle of trial following foundational questions (called Voir Dire) of the arresting officer.
- July 2009 A district judge ruled that the prosecuting attorney did not sufficiently meet the foundational requirements for the admission of blood alcohol evidence in a felony DUI/OWI case.
- February/March 2009 I tried a month-long case involving charges of unlawful imprisonment and

	criminal assault with intent to commit great bodily harm with multiple counts. The jury acquitted one of the three most serious counts and a lesser offense on the second count.
November 2008	A motion to suppress the breath alcohol test result led to the dismissal of a DUI/OWI charge against a client despite the fact that her reported breath alcohol content was .18.
November 2008	A client who was present during the 2008 “cedarfest” riot at Michigan State University was allowed to remain enrolled in school and was given the opportunity to show that he was entitled to leniency. The client was found not guilty of “Assembling to Riot” following a trial although he was convicted of disobeying a police officer’s command.
September 2008	A judge ordered a plea agreement in a murder case to be modified after a 2-day hearing on the client’s motion to withdraw his plea to 2 nd degree murder. The hearing exposed that the client had been advised inaccurately by his former attorney who represented him when he entered his plea.
March 2008	I represented a client who was sued by his former employer to enforce a covenant not to compete. The former employer was once a major lobbying firm in Lansing. The president of the firm agreed to a settlement during a break after I started to cross examine him.
February 2008	A district judge suppressed evidence in a minor in possession/transporting alcohol case in Williamston, Michigan. The charges were eventually dismissed.
November 2007	A client charged with OWI/DUI following an accident with a reported breath alcohol content of .27 was found not guilty after a trial.
November 2007	A judge ordered that a client’s child be returned to her after a custody trial. The only witness was the client’s ex-husband. Following a series of objections to his inadmissible testimony the lawyer for the ex-husband gave up and told the judge that they could not go forward.
October 2007	I represented the ex-girlfriend of a drug kingpin in the largest drug case in Lansing history to be tried in federal court. The client was convicted following 8 days of trial with another co-defendant. However, the judge gave her a sentence substantially below the federal sentencing guidelines.

OTHER

Completed the inaugural 2012 Lansing Marathon in under 4:30 while raising over \$2,500.00 for the Ingham County Veterans Treatment Court. I completed the 2007 Chicago Marathon. Multiple division winner in various running events. Completed the 2008 Capital City Half Marathon in under 1:45 Married to Wendy and proud father of three children: Lauren, Christian and Morgan.