



## Deanna Swisher

Shareholder

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Deanna serves as the Firm's General Counsel, while continuing to serve Firm clients. Her practice focuses on contract formation, commercial litigation, real estate litigation and arbitration. She is a member of AAA's Commercial Panel of arbitrators and also serves as a party advocate in arbitration and other forms of alternative dispute resolution.

Her work as a commercial litigator has earned the respect of her peers, as is demonstrated by her AV® Preeminent™ Martindale-Hubbell rating and Best Lawyers® in America recognition in Commercial Litigation since 2009. In addition to breach of contract matters, she enforces the rights of parties to secured transactions, files and defends actions for conversion, breach of fiduciary duty, tortious interference and other business torts. She has successfully enjoined violations of covenants not-to-compete and enforced sales commission agreements.

Deanna handles a broad range of real estate litigation including easement disputes, adverse possession, boundary and title disputes. She works closely with members of her practice group, the firm's Banking, Finance and Real Estate Practice Group, and also participates in the Firm's Agricultural Law Group.

Deanna drafts and negotiates a wide variety of contracts including SaaS, electronic monitoring, terms of sale, open account applications, licensing agreements, commission agreements, non-compete covenants, employment agreements and independent contractor agreements.

Admitted to practice in Michigan and Texas, she is a member of the Federal Bar Association, the American Bar Association, the State Bar Associations of Michigan and Texas, and the Ingham County Bar Association. Deanna is a member of the Fellows of the Michigan State Bar Foundation, and she is a former member of the State Bar of

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### PRACTICE AREAS

Commercial Litigation  
Real Estate Litigation  
Employment Litigation  
Startup Entrepreneurial Emerging Development (S.E.E.D)  
Collections / Creditor - Debtor Rights  
Arbitration & Mediation  
Agri-Business  
Employment Law  
Finance, Real Estate & Bankruptcy Law  
General & Commercial Litigation  
Real Estate Law

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### EDUCATION

Indiana University School of Law, J.D., 1985  
Ball State University, B.S., 1982, *summa cum laude*  
Fashion Law Institute, Fordham University Law School, Summer Intensive Program, 2014

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### BAR AND COURT ADMISSIONS

Michigan  
Texas  
U.S. District Court for the Western District of Michigan  
U.S. District Court for the Eastern District of Michigan  
U.S. Sixth Circuit Court of Appeals

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Michigan's Client Protection Fund Committee and the Indiana University Law Alumni Board.

Deanna is the Firm's representative to LEAP's Board of Directors and has served on LEAP's Executive Committee. She has volunteered her time to a variety of Michigan endeavors that support start-up fashion and design businesses, fashion and design education, artists and a wide variety of "makers." She has also enjoyed volunteering her time to her local community, through her work with The Friends of Reutter Park and Operation Santa, a program that provides Christmas gifts to children of low-income families. She has served as the President of the Board of Trustees of Michigan Montessori Internationale, Inc., and she was a founding member of the Lansing Chapter of Inforum and AthenaWIN.

Prior to joining Foster, Swift, Deanna clerked for Ingham County Circuit Court Judge Carolyn Stell and was an associate at for Varnum, Riddering, Schmidt & Howlett.

Born in Crawfordsville, Indiana, Deanna was a *summa cum laude* graduate of Ball State University, obtaining degrees in Political Science and the Honors College. She received her juris doctorate from Indiana University in 1985. She continued her legal education at Fordham Law, in 2014, attending its fashion law intensive summer program.

#### **REPRESENTATIVE MATTERS**

- Successfully defended a multi-million dollar action alleging breach of warranty, brought by a first tier supplier/manufacturer of injection molded automotive parts against a second tier supplier of thermoplastic. In addition to receiving a very favorable result, she protected proprietary client information from disclosure in federal district court by negotiating an agreement to arbitrate.
- Obtained summary judgment for the employer/defendant in a same sex harassment and retaliation case, and successfully argued to affirm this favorable result before the Sixth Circuit Court of Appeals.
- Obtained summary judgment in a variety of lawsuits involving creditor's rights, breach of contract matters and real estate disputes.

#### **HONORS & RECOGNITIONS**

AV® Preeminent™  
Martindale-Hubbell

*Best Lawyers in America*®  
2009-2024 (Commercial Litigation)

American Arbitration Association  
Roster of Neutrals, Commercial  
Panel



## **SPEAKING ENGAGEMENTS**

**Why Selecting the Right Legal Counsel is Essential to Your Business**, *Foster Swift Collins & Smith - Legal Strategies for Women Leaders*, August 30, 2023

**Creative Collections**, *Foster Swift Morning Break*, July 8, 2020

**The Business of Fashion**, September 28, 2017

**Road to Retail Instructor**, *The Runway, Lansing's fashion incubator*, June 17, 2016

**Panel Member M-Power Your Art**, *Detroit Startup Week*, May 24, 2016

**A Pattern for Success, Industry Days: Design & Manufacturing**, *Detroit Design Festival*, September 22, 2015

**Fashion Law**, *The Fashion Association of Merchandising and Design at Central Michigan University*, November 4, 2014

**WEBINAR | Independent Contractor Or Employee? Misclassification Can Be Costly!**, February 20, 2013

**Proper Use of Email**, *Walsh College*, March 10, 2011

## **PUBLICATIONS**

**Employee or Independent Contractor?**, *Foster Swift Employment Labor & Benefits Law News*, August 26, 2019

**An Ideal Time to Take on Your Accounts Receivable**, *Foster Swift Finance, Real Estate & Bankruptcy News*, August 18, 2016

**Trade Dress - A Good Fit for Fashion?**, *Ipls Proceedings - State Bar of Michigan*, January 2015

**Financing the Creative**, *Foster Swift Finance, Real Estate & Bankruptcy News*, August 26, 2014

**Is Your Independent Contractor Really an Employee?**, *Foster Swift Agricultural Law Update*, January 16, 2014

## **MEMBERSHIPS & AFFILIATIONS**

### **Legal Affiliations:**

- American Bar Association
- State Bar of Michigan
- Michigan State Bar Foundation, Fellow
- Federal Bar Association
- State Bar of Texas

### **Community Involvement:**

- Member, LEAP Board of Directors and Steering Committee
- Member, Friends of Reutter Park



- Member, Michigan Athletic Club

**RECENT BLOG POSTS**

**BizTech Law Blog**

What is a Covenant not to Compete?

Get It In Writing: Contracts

**Michigan Labor & Employment Law Blog**

The Return of the Unpaid Internship