

Michael Fishman

IP Boutique Lawyer Stays a Step Ahead in Personal Relationships and Firm Technology

by Lauraann Wood

BLOOMFIELD HILLS — “Build a better mousetrap, and the world will beat a path to your door.”

That’s what innovators said before overly zealous entrepreneurs and attorneys changed the rules. Many businesses now believe a more accurate statement might be, “Build a better mousetrap, and you may make a few bucks if no one copies your idea.”

In competitive times, when innovative ideas can be very profitable, CEOs who wish to stay ahead of the marketplace ask, “How do we protect our ideas and the competitive advantage our products and services provide?” The intellectual property laws, which include the familiar trademark, copyright and patent rights, provide the answers.

And, these days, intellectual property lawyer Michael D. Fishman of **Fishman Stewart PLLC** helps clients secure these rights. Although Fishman is a registered



patent attorney, for over 25 years he has focused his practice in the trademark arena, assisting clients around the globe in protecting their valuable brands.

He’s developed a reputation as a lawyer who puts his all into making sure his clients’ needs are met. Interestingly, Fishman’s journey through law school came at a time when he wasn’t sure what career path to follow.

With his father being a physician and his uncles being a pharmacist and real estate developers, Fishman had a number of role models and career paths to follow.

“But I decided to go to law school and enjoyed it immensely. I had some professors who inspired me and a professor in the intellectual property area who really inspired me,” he says.

“I have the utmost admiration and respect for Professor Martin Adelman. He was not only an inspiration but he was also the driving force that sent me down the intellectual property law path. I would not be practicing intellectual property law today without his careful and generous guidance and mentorship.”

It was Fishman’s experience in law school that led the Wayne State University Law

School grad to another significant mentor, intellectual property lawyer John McGarry, then a partner at Varnum, LLP, a general practice firm based in Grand Rapids. He later became a founding partner of McGarry Bair P.C., also in Grand Rapids.

McGarry interviewed Fishman for what was his first job out of law school. Fishman says they clicked, which made him feel like he was making the right choice for his career.

“He was absolutely passionate about what he did, and he taught me so much of what I know about being a lawyer, so I owe him a lot,” Fishman says. “He really took an interest, and he has a special place in my heart as a person who made a big difference in my life.”

Starting an IP Boutique

Fishman then moved to another general practice firm, Dykema Gossett PLLC, based in Detroit, but eventually left that firm in 1996 with other partners to start the boutique firm Fishman Stewart PLLC, also based in Detroit. Fishman Stewart practices exclusively in the intellectual property field.

He says he took the boutique route because he learned through his time working

in general practice firms that intellectual property lawyers have a chance to thrive and stand out in that kind of setting.

However, Fishman and his partners didn't want just their lawyers to stand out. They wanted that for their entire firm. Since its beginning days, Fishman says, they have made sure the firm stays one step ahead in high-quality client service — especially in the area of technology.

"In 1996, our clients could access their intellectual property from our website through a secure portal. That was unheard of," he says. "Most law firms didn't even have a website at the time. That was very important to us."

That approach has even impacted the way the firm's employees perform their work. Technological advances have made work so seamless that attorneys in Fishman's firm don't have to come into the office on any given day. Several live in other states, working remotely.

"We encourage them to work from home. Our recruiting efforts are nationwide, where people can work from home or any other location," Fishman says. "We've always had that capability, but still many firms require their lawyers to come into the office. Other firms have unsuccessfully attempted to pick our brains to gain our technology."

Fishman says he became attracted to intellectual property law because he recognized that area of the law as one that protects inventiveness.

"I found ingenuity of the mind to be the most valuable and interesting. It is invaluable because when ideas are taken and extrapolated, they can create and expand all sorts of industries and jobs and affect the lives of millions. It's in our constitution — copyrights and patents — because the founding fathers knew how valuable intellectual property was and wanted to protect it."

With that kind of potential in the field of intellectual property, Fishman says his area of practice is one that will always be expanding.

"Think about how things have grown," he says. "The ingenuity of the mind will never stop, and so it's going to be an ever-expanding field and an opportunity for growth. We're always thinking about something new or something better to improve people's lives — food, medicine, in every area," he says. "You can only imagine how things are going to be 20 years from now."

After all, Steve Jobs announced the first iPhone only 10 years ago, and computers have been a popular household item for only about 20 years.

Explosion of Technology Worldwide

With the explosion of technology came a change in intellectual property law practice that saw lawyers in the field specializing as technology became more complex.

"In the last 30 years, technology has exploded, so it's no longer simple. You have intellectual property lawyers who focus in diverse complicated technological areas," he says.

And while some might consider that a bad thing, Fishman sees it differently.

"I think it's a good thing. It's created opportunities for people and for lawyers and firms, and it has developed and expanded rapidly," he says.

However, more areas for specialization means more things to stay on top of, and that can be challenging for any lawyer. But that's nothing Fishman has to worry about because he has always been one to keep his finger on the pulse of evolving intellectual property law, says Stuart Logan, a longtime friend and colleague from their days at Dykema.

Logan, a corporate and business transaction lawyer, didn't work in Dykema's intellectual property department, but he

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saw everything it takes to meet expectations in the intellectual property field and says Fishman certainly has what it takes to meet and surpass those standards.

"He really knows the trademark rules and the law, and he's got his arms around that, and he stays abreast of that," Logan says. "It's relatively easy to commit malpractice because there are so many deadlines and it's so easy to trip over a technical rule, something that scared some people off from the practice."

Fishman works with clients all over the world who seek trademark protection in not just their home country but also in various foreign jurisdictions. "It's how they build an international brand," says Fishman.

But sometimes securing clients' intellectual property in another country can be problematic, like in cases where trademark pirates register trademarks of well-known brand owners and then try to sell them back to the rightful owners.

Whether Fishman is fighting for clients in court or across another country, one thing that remains abundantly clear is that he does everything he can for them.

"I concentrate on my clients and try to give them the best possible service and do the best for them."

It's the same practice he preaches to lawyers who come to work in his firm.

"Something I tell young lawyers when they join us: If everything you do is good for the client and not what's good for you or what's good for the firm, it will all work out favorably in the end. It's long-term thinking, and in the end, you will be a successful lawyer," he says.

"If you follow that adage, then you will have clients who will like you and love you in some cases and will refer you to other clients, and you will have a more fulfilling career. You will be a better lawyer, and you'll be a happier lawyer."

It's All About Relationships

Clients notice that dedication, Fishman says, and they stay because of it.

"I have worked with some clients for over 20 years. That's very unusual today."

But that philosophy extends beyond Fishman's clients. Just as he gives his all to his clients, he makes sure he treats those with whom he works with the same level of respect and goodwill.

"Really, if you think about it, the only thing that matters in life is your relationship with people. It's all about your interaction with other people and what influence you have on them," he says.

Beyond good timing, Fishman's dedication to fostering and maintaining personal relationships was one of the factors that has kept Georgeann Mach, his trademark manager, working with him for the last two decades.

"A great thing about Mike is that even though we've been together 20 years, I'll ask a question that I should know the answer to, but he never makes me feel inferior," she says. "It's always very much a team perspective for Mike. And he certainly is approachable. No one I know calls him Mr. Fishman."

For Christopher Wilson, Fishman's influence has lasted since he started working as an extern in the field in 2010.

"Mike took the time to just talk with me and educate me on the ins and outs of trademarks," he says. "It was nothing he had to do. He just saw it as an opportunity to teach me, and we just had a good rapport. I always valued that, and he also challenged my thinking."

Fishman's years of experience also make him the perfect person to bounce ideas off because he has the foresight to help others think big-picture or further down the road, Wilson says.

"He's really a good sounding board. You

might be saying, ‘OK, we like this brand, this is what we’re thinking,’ and he might say, ‘You know, it’s good, but you might run into some issues here or some issues in France for whatever reason. Or maybe you want to consider doing this because it’d give you better protection,” Wilson says of Fishman. “It’s really tangible advice that you can use.”

Everything Fishman offers his colleagues and clients comes from his heart, and he approaches every matter with the genuine desire to see them do well and succeed in their endeavors.

It’s that exact approach to his work and relationships that makes Fishman one of Michigan’s leading lawyers, Mach says.

“If I was on the other side, and I needed intellectual property representation, I certainly would hire him. I’ve known him for a long time. I adore him both on a personal and professional level, and I have nothing but respect and admiration for the way he carries himself,” Mach says.

“There’s nothing bad I can say about him — other than he works way too much.” ■