

JACKSON COUNTY BAR ASSOCIATION NEWSLETTER

FALL 2008

Fall Meeting

Our fall Bar meeting will take place on Thursday, October 9, 2008 at 5:30 p.m., at Bella Notte's. The dinner, pop, coffee and water will be compliments of the Bar for Bar members; however, attendees will need to pay for their own alcoholic drinks. Any guests will need to pay for their meal as well.

The featured speaker will be Professor David Moran, who presently teaches at the University of Michigan Law School. In addition to his J.D., which he earned from U of M, Professor Moran holds a M.S. in Theoretical Physics from Cornell University, a B.A., M.A. and Certificate of Advanced Study, Applied Mathematics from Cambridge University, and a B.S. in Physics with Highest Distinction from the University of Michigan.

Moran is a member of the board of directors of the Michigan Innocence Project, and is presently co-founding the Innocence Clinic at U of M, which will assist prisoners litigate claims of actual innocence when their cases do not have DNA evidence available.

Memorial Ceremony

On October 17, 2008 at 1:30 p.m., the Bar will host a Memorial Ceremony for the members of Jackson County Bar that have passed away since 2000. The Ceremony will be held in Judge Chad Schmucker's Courtroom, located on the 4th floor of the County Courthouse,

312 S. Jackson St., Jackson, MI.

Invitations to the family members of the deceased will be mailed shortly, and we ask that current members of the Bar call Bree Vincent at (517) 787-4100 and request any additional individuals to be remembered at the Ceremony if any have mistakenly been left off of the following list:

Charles Adams
Timothy R. Allen
Allen Bass
Walter R. Boris
George Brannick
Robert Byers
Bob Curtis
Kevin J. Daly, Dr.
Harold Graves
Jerry K. Harness
Herbert Heuman
Richard Hitt
Thomas A. McNish
Joseph A. Navarre, III
O.K. Petersen
William R. Roberts
Richard L. Wilkins

Save the Date!

The Bar Holiday Party is tentatively scheduled for Thursday, December 4, 2008, and we hope to host it at Ella Sharp. More information to follow.

Dues Reminder

Please remember that your Dues to the Jackson County Bar Association need

to be received no later than October 1, 2008. For Regular Members, the yearly cost is \$75; Young Members (those who have been practicing for less than 3 years) \$45; Lifetime and Honorary Members are free.

Any attorneys interested in joining the Bar after this time should contact Bar Treasurer Brad Brelinski at (517) 787-9481. If you need another Dues Notice form, please contact Bar Secretary Marie Matyjaszek at (517) 787-0351.

New Support Formula Manual

The new Michigan Child Support Formula Manual is available and the new guidelines will take effect October 1, 2008. You can access the new manual from links on the Jackson County Friend of the Court website, <http://www.co.jackson.mi.us/foc>. Click on Handbooks/Manuals, and then Michigan Child Support Formula Manual. This will redirect you to the Michigan State Court Administration website where you can download and print a free copy of the new manual.

Representative Assembly Activity

Message from Susan Murphy:
The State Bar Association Annual Meeting is approaching and with it, the September meeting of the Representative Assembly (RA). In preparing for this meeting, I have reviewed the agenda items. In April, the RA sent many of the issues we had discussed to special committee. The special committee has now returned with those issues ready for action:

1. Support and endorse a Resolution to Amend the Michigan code of Judicial Conduct:

Canon 2 (F)

F. A trial court judge should neither contract as an independent contractor nor employ as a court staff member in any capacity a spouse, sibling, parent, or child of an attorney having an office located within the same jurisdiction as that trial court or of an attorney who engages in the practice of law in that trial court.

2. Recommend new subsection under MCR 6.201(B) as follows:

Rule MCR 6.201 Discovery

(B) Discover of Information Known to the Prosecuting Attorney.

(6) any electronic recording evidence made by an governmental agency or agent pertaining to the matter known to the prosecuting attorney. Such records shall be preserved by the prosecuting attorney until after all appeals have been exhausted or all rights of appeal have expired, whichever date is later. Failure to preserve such evidence shall entitle the accused to a jury instruction that such evidence not produced should be presumed by jurors to have been adverse to the prosecution.

3. Recommend amendment of MCR 6.425 (B) and (C)

The change here changes the “or” a defendant if not represented by a lawyer to “and” the defendant so that

the prosecutor, defense attorney, and defendant are entitled to copies of pre-sentence reports.

4. Recommend amendment to MCR 6.425 (B) by adding the report must be provided not less than two business days before sentencing and inserting the following after the first sentence: The prosecutor and the defendant's lawyer (or the defendant if not represented by a lawyer) may retain their copies for their records. If the pre-sentence report is not made available to the defendant's lawyer (or the defendant if not represented by a lawyer) at least two business days before the day of sentencing, the defendant's lawyer (or the defendant if not represented by a lawyer) shall be entitled, on oral motion, to an adjournment of the day of sentencing to enable the defendant's attorney (or the defendant if not represented by a lawyer) to review the pre-sentence report and to prepare any necessary corrections, additions or deletions to present to the court. The pre-sentence report shall not include the following information about any victim or witness: home address, home telephone numbers, work address, or work telephone number, unless an address is sued to identify the place of the crime. (continues with current language The court may exempt...)

Some members shared their thoughts before the April meeting. However, you should feel free to give me additional thoughts before the

September 18th meeting via e-mail at smurphy@cityofjackson.org.

MCR 2.411 Mediation Training

The Dispute Resolution Center is again offering MCR 2.411 mediation training. The training is conveniently located, at the State Bar in Lansing on October 8, 9, 10, 29 and 30. If you've wanted to add mediation skills to your repertoire, don't miss this excellent opportunity to train with Anne Bachle Fifer, one of Michigan's finest, most respected and experienced trainers. Anne leads this intensive and highly interactive 40-hour SCAO approved training using hands-on demonstrations, multi-media training formats, mini-lectures and round table discussions. Qualified attorney-mediators complete the picture, providing experienced individualized feedback. If you're interested, REGISTER EARLY! Class size is limited and will be filled on a first-come, first-served basis. Attendance of all 40 hours is mandatory to receive a certificate of completion. Cost is \$1,300.00 per person with a prepay discount of \$200.00 (\$1,100.00); \$100.00 non-refundable deposit is required to hold a space. Call the Dispute Resolution Center at (517) 485-2274 to register.

Job Opening

The Judicial Conference of the United States has authorized the appointment of a full-time United States Magistrate Judge for the Eastern District of Michigan at Detroit or Ann Arbor. The current annual salary of the

position is \$155,756. The term of office is 8 years. Copies of the complete notice and the application form may be obtained at www.mied.uscourts.gov and at the following Clerk's Office locations: 600 Church Street, Room 140, Flint; 231 W. Lafayette Boulevard, Room 564, Detroit; 200 E. Liberty Street, Room 120, Ann Arbor; and 1000 Washington Avenue, Room 304, Bay City. In order to be assured of consideration, applications must be received by 5:00 p.m. Friday, September 26, 2008.

To have anything included in future Bar Newsletters, please contact Bar Secretary Marie Matyjaszek at (517) 787-0351 or e-mail: matyjasz@hotmail.com.

Jackson County Bar

Bree D. Vincent - President
Susan G. Murphy – 1st Vice President
Jessica J. Schirmacher – 2nd Vice President
Marie E. Matyjaszek - Secretary
Brad A. Brelinski– Treasurer
Kristina Fisk – Immediate Past President