

# JACKSON COUNTY BAR ASSOCIATION NEWSLETTER

## FALL 2009

### **Holiday Party – SAVE THE DATE**

The annual Holiday Party is scheduled for Wednesday, December 2, 2009 at the Country Club of Jackson, located at 3135 Horton Road. Cocktails are at 6:00 p.m. and dinner will start at 6:30 p.m. Dinner is complimentary for all Bar Members and one guest. We will be having a food drive again as this was highly successful last year. For each non-perishable food item donated, you will receive a drink ticket redeemable at the bar, maximum 2 drink tickets per person. All items collected will be donated to the Interfaith Shelter in Jackson. Invitations will be going out soon.

### **Representative Assembly Activity**

Message from Susan Murphy:

The meeting held on September 17, 2009 resulted in unanimous votes opposing the proposals outlined below.

1) Should the Assembly support an amendment to the Judicial Cannons prohibiting the hiring of independent contractors or employees related to attorneys practicing before the Court?

This was very interesting – especially since we can all practice in front of any Court in this State. Unanimously opposed.

2) Should the Court Rules be amended to require all plea-based discussion to be held on the record? The language was overbroad and it was unanimously opposed.

3) The Family Law Division requested the adoption of a rule which would control attorney solicitation before service of process. This request was withdrawn. The Family Law Division will revisit the issue and bring it back at the Assembly's March 2010 Meeting.

With regard to other matters, did you know that as a State Bar Member you can access free legal research from the State Bar website? Just use your log-in and password, enter the member page and access "Casemaker." This is new and some Shepardizing is still recommended, but it could supplement your current researching methods. It may also help you decrease costs as it is free of charge. If anyone tries it, please provide feedback to Susan Murphy as she can forward this feedback to the State Bar for ongoing improvements. Anyone further interested in Casemaker 2.1, please contact Susan Murphy at: [smurphy@cityofjackson.org](mailto:smurphy@cityofjackson.org), or (517) 788-4050.

### **Jackson County Probate Court**

The Jackson County Probate Court has updated its filing fees and procedures. Please see the attached chart and information to ensure your compliance with the new costs and procedures.



### **Case Evaluator Application**

Applications are now being accepted for those who wish to be considered for Circuit/District/Probate Court Case Evaluator. You must complete SCAO Form MC34/Case Evaluator Application and submit it to the ADR Clerk, Marion R. Stone, 312 S. Jackson St., Jackson, MI 49201, **no later than December 1, 2009**. See the attached information, which includes current evaluators and when they must reapply. Application Forms may be obtained at: [www.courts.michigan.gov/scao/courtforms/index.htm](http://www.courts.michigan.gov/scao/courtforms/index.htm)

### **Private Paternity Broker Eva Carroll**

Message from Eva Carroll:

If an attorney has a client that has any doubt that someone is the father of a child, a DNA paternity test could be the perfect tool to protect the client's interests.

I have worked with Orchid Cellmark for over nine years conducting paternity testing for both the Jackson County Prosecutor's Office as well as private testing.

Each paternity test is conducted using a strict chain of custody procedure which will document the identity of the tested parties and will ensure the secure transportation of all samples to the testing laboratory as well as throughout the testing process.

All results will be signed by one of the many Ph.D.'s, notarized, and will contain a statement of accreditation

thus ensuring its acceptance as evidence in a legal matter. Typical DNA paternity testing results take 3 business days.

Orchid Cellmark also provides assistance in the interpretation of results or in the confirmation of the identity of tested parties or to answer any other technical question you might have. They also provide expert testimony if needed, although their DNA testing results have not been challenged in the legal arena in many years.

A copy of my brochure is attached to this Newsletter. If you have any questions on my services or need further information, please contact me at 517-937-0464.

### **ADVERTISEMENTS**

The Advertisement Section of the Newsletter is new and free of charge to all Jackson County Bar Association Members. Non-members are given 1 free advertisement per year, with additional advertisements available for \$5 per ad. If you are interested in advertising, please contact President Marie E. Matyjaszek at (517) 787-0351 or [matyjasz@hotmail.com](mailto:matyjasz@hotmail.com). Ads may be edited for content, size and spacing as necessary. Drafts will be sent to the advertiser prior to publication.

### **Innovative Computer Networks – Chris Maynard Starts New Business**

With over ten years of experience on business networks, Innovative

Computer Networks understands the importance of a well run system. We are certified in Microsoft Networking and specialize in Blackberry phones and wireless networks. ICN also supports all network based devices, such as servers, workstations, printers and scanners.

As a locally owned business, ICN also prides itself on timely response and professional service. For more information on how we can create order out of your computer's chaos, contact ICN at 917-8935 or [www.inncommnet.com](http://www.inncommnet.com).

### **Bar Association Dues**

Any attorneys interested in joining the Bar should contact Bar Treasurer Corey McCord at (517) 787-8570. If you need another Dues Notice form, please contact Bar Secretary Peter Langley at (517) 788-4283. 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.

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

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### **Jackson County Bar Executive Committee**

Marie E. Matyjaszek – President  
Jessica J. Schirmacher – 1<sup>st</sup> Vice President  
Brad A. Brelinski – 2<sup>nd</sup> Vice President  
Corey McCord – Treasurer  
Peter Langley - Secretary  
Bree Vincent (now Thurlby)– Immediate Past President

Jackson County Probate Court Filing Fees and Procedures

DOCUMENT	FILING FEE
ACCOUNTING - INITIAL, AMENDED, FINAL OR ANY OTHER ACCOUNTING REGARDLESS OF TIME FRAME	\$20.00 PER ACCOUNTING
AMENDED PETITION	\$20.00
ANSWER, BRIEF OR RESPONSE TO SUMMONS AND COMPLAINT	\$0.00
ANY OTHER PAPER NO MATTER HOW TITLED WHICH REQUESTS RELIEF OR REQUIRES A HEARING OR RULING OF THE COURT - <b>WHEN FILED BY ANYONE BESIDES WARD</b>	\$20.00
ANY OTHER PAPER NO MATTER HOW TITLED WHICH REQUESTS RELIEF OR REQUIRES A HEARING OR RULING OF THE COURT - <b>WHEN FILED BY WARD</b>	\$0.00
CERTIFIED COPY OF ANY DOCUMENT **	\$10.00 CERTIFICATION FEE PLUS \$1.00 PER PAGE
DEMAND FOR JURY TRIAL	\$30.00
DEMAND FOR NOTICE - <b>ESTATE PENDING</b>	\$20.00
DEMAND FOR NOTICE - <b>NO ESTATE PENDING</b>	\$150.00
INITIATING A PROCEEDING INVOLVING A TESTAMENTARY TRUST - <b>PROCESSED AS PART OF A DECEDENT'S ESTATE</b>	\$20.00
INITIATING A PROCEEDING INVOLVING A TESTAMENTARY TRUST - <b>PROCESSED SEPARATELY FROM DECEDENT'S ESTATE</b>	\$150.00
MOTION	\$20.00
NAME CHANGE	\$150.00
NOTICE OF CONTINUED ADMINISTRATION	\$0.00
OBJECTION	\$20.00
PETITION AND ORDER	\$20.00
PETITION AND ORDER FOR RELEASE OF ACCOUNT INFORMATION	\$20.00
PETITION FOR ALLOWANCE OF ACCOUNT - <b>FILED SEPARATELY FROM ACCOUNTING</b>	\$20.00
PETITION FOR ALLOWANCE OF ACCOUNT - <b>FILED WITH ACCOUNTING</b>	\$0.00
PETITION FOR APPOINTMENT OF GAL	\$20.00
PETITION FOR ATTORNEY FEES - <b>FILED SEPARATELY FROM ACCOUNTING</b>	\$20.00
PETITION FOR ATTORNEY FEES - <b>FILED WITH ACCOUNTING</b>	\$0.00
PETITION FOR CONSERVATOR, PROTECTIVE ORDER OR TEMPORARY CONSERVATOR	\$150.00
PETITION FOR FULL, LIMITED OR TEMPORARY GUARDIANSHIP	\$150.00
PETITION FOR INSTRUCTION	\$20.00
PETITION FOR SETTLEMENT OF PERSONAL INJURY CLAIM	\$20.00
PETITION FOR SMALL ESTATE ***	\$25.00
PETITION TO COMMENCE A PROCEEDING RELATING TO AN INTER VIVOS TRUST	\$150.00

Jackson County Probate Court Filing Fees and Procedures

<b>DOCUMENT</b>	<b>FILING FEE</b>
PETITION TO DETERMINE HEIRS - <b>ESTATE PENDING</b>	\$20.00
PETITION TO DETERMINE HEIRS - <b>NO ESTATE PENDING</b>	\$150.00
PETITION TO OPEN SAFE DEPOSIT BOX	\$10.00
PETITION TO REOPEN CLOSED FILE	\$150.00
PETITION TO WITHDRAW AS ATTORNEY	\$20.00
PETITION TO WITHDRAW PETITION	\$20.00
PETITION/APPLICATION FOR PROBATE / APPOINTMENT OF PERSONAL REPRESENTATIVE - <b>FILED AFTER ESTATE OPENED</b>	\$20.00
PETITION/APPLICATION FOR PROBATE / APPOINTMENT OF PERSONAL REPRESENTATIVE - <b>WHICH COMMENCES AN ESTATE</b>	\$150.00
PETITION TO ALLOW FEES OF GAL	\$20.00
REQUEST FOR NOTICE OF GUARDIANSHIP ORDERS - <b>PROCEEDING PENDING</b>	\$20.00
REQUEST FOR NOTICE OF GUARDIANSHIP ORDERS- <b>NO PROCEEDING PENDING</b>	\$150.00
STATEMENT AND PROOF OF CLAIM	\$20.00
SUMMONS AND COMPLAINT	\$150.00
WILL <b>OR</b> CODICIL FILED FOR SAFEKEEPING	\$25.00

\*\* NO FILING FEE INCLUDES A CERTIFIED COPY OF DOCUMENTS - CERTIFICATION IS ALWAYS A SEPARATE FEE

\*\*\* \$25.00 FILING FEE FOR SMALL ESTATE DOES NOT INCLUDE CERTIFICATION OR INVENTORY FEE

## Jackson County Probate Court Filing Fees and Procedures

### New Probate Court Procedures

If you file documents and want copies returned by mail please enclose or provide the Probate Court with a self addressed stamped envelope. Otherwise any duplicates provided for true copy will be placed in our box for someone to come and pick up. If you wish to receive a phone call when it is ready for pick up please indicate that when filing the documents.

When filing paperwork by mail, we will only true stamp one copy. If you wish for more than one true copy you may bring your own copies to the window to stamp for free or we will true any additional copies provided for \$.25 per page.

When filing an informal estate, please be aware that it may take upwards of 1 week before it is ready; it all depends on our staffing situation at the time of filing. If we are unable to immediately review your paperwork, we will call you when it is ready.

The Probate Court will no longer provide the Legal News with the Notice to Creditors or any other document for publication in any newspaper. It is the responsibility of the Attorney to provide a copy of the document for publication to the newspaper and to ensure any required Affidavits of Publication are filed with the Probate Court.

The Probate Court now requires specific language for the orders and letters on minor conservatorships. Please obtain a copy of the language and new requirements at the time of filing the minor conservatorship paperwork.

If you are filing paperwork for separate but related files, we need a copy for each file. You can put multiple case numbers/names on the same document but you must still provide a copy for each file. For example a Guardianship file and Conservator file for the same ward can share a proof of service but we still need two copies of the proof of service, one for each file.

Leaving paperwork at the window without acknowledgement from the staff is done at your own risk.

Please let the Probate staff know *at the time of filing* that you are filing paperwork for a case that is set for hearing within the next five days. Failure to inform the staff may result in your paperwork not getting into the file in time for the hearing, as the files are sent up a few days in advance of the hearing.

If you call ahead for a file number and hearing date you are required to file your paperwork within 7 days. Recently there has been an influx of hearing dates given over the phone and a failure by the law offices to file the paperwork in time, if at all. This has an impact on both the GALs and DHS since they are not appointed until the paperwork is filed with the Probate Court.

## **NOTICE TO THE BAR ASSOCIATION:**

### **PROCESS FOR CASE EVALUATOR APPLICATION (REOPENING PERIOD) FOR CIRCUIT/DISTRICT/PROBATE COURT CASE EVALUATOR POOL COVERING JULY 1, 2010 THROUGH JUNE 30, 2014**

In accordance with MCR 2.404 and Local Administrative Order 2003-1, applications are now being accepted from individuals applying for service as a Circuit/District/Probate Court Case Evaluator. To apply complete SCAO Form MC34/Case Evaluator Application and submit it to the ADR Clerk, Marion R. Stone, 312 South Jackson Street, Jackson, MI 49201, no later than December 1, 2009. Forms may be obtained at [www.courts.michigan.gov/scao/courtforms/index.htm](http://www.courts.michigan.gov/scao/courtforms/index.htm).

Eligibility requirements include:

- A. The applicant has been a practicing lawyer for at least five years and is a member in good standing of the State Bar of Michigan.
- B. The applicant resides, maintains an office, or has an active practice in the County of Jackson;
- C. The applicant must demonstrate that a substantial portion of the applicant's practice for the last five years has been devoted to civil litigation matters, including investigation, discovery, motion practice, mediation, settlement, trial preparation, and/or trial.

Applications will be reviewed by the Case Evaluator Selection Committee in early January 2010 and parties will be notified by February 1, 2010, of their acceptance or rejection to the case evaluator pool. Appeals of rejection must be made by February 15, 2009, in writing and submitted to the ADR Clerk. The Chief Circuit Judge will review all appeals and make a decision by March 15, 2010. The new Case Evaluator List will be issued April 1, 2010 to commence use on July 1, 2010. For further details please refer to MCR 2.404 and LAO 2003-1.

Submitted for immediate release by:

Marion R. Stone, ADR Clerk  
Jackson County Circuit Court  
312 South Jackson Street  
Jackson, MI 49201  
Telephone: (517) 788-4382 or 768-8501

**JACKSON COUNTY CIRCUIT-FAMILY-PROBATE COURTS  
Case Evaluators for 7/01/06 to 7/01/10**

Baze, Lineas, L.	P35510	Hurst, Dennis	P32409
Berkemeier, Phillip H.	P28581	Karl V. Fink	P13429
Conley, Stephen, D.	P24871	Bruce A. Inosencio, Jr.	P54705

These evaluators are required to reapply by December 1, 2009.

**Case Evaluators for 7/01/07 to 7/01/11**

Adams, Paul R.	P10042	Klaasen, Terry J.	P16024
Arnold, Raymond B.	P10263	Kobrin, John P., Jr.	P24004
Beardslee, Paul	P42177	Lozier, Martin	P47775
Best, Robert F.	P10768	Luoma, Eric V.	P42678
Bower, Diane Y.	P32731	Moilanen, Philip M.	P17874
Conant, Dennis J.	P23340	Navarre, William F.	P18184
Engle, Jerry M.	P13194	Nelson, Charles A.	P18226
Flack, Robert D.	P13502	Parker, Kurt	P38259
Fleming, James B.	P42856	Perlos, Charles A.	P37963
Girodat, Frederick W., II	P45729	Potter, George E.	P19038
Hamilton, Janet L.	P33015	Rogers, Gary C.	P29083
Heyns, Anne L.	P31693	Schroeder, Keith A.	P42303
Jansen, William R.	P36688	Thomson, Kevin	P37943
Kelly, Jennifer M.	P47168	Wilson, Michael G.	P33263

These evaluators are required to reapply by December 1, 2010.

**Case Evaluators for 7/01/08 to 7/01/12**

Barton, Bruce A.	P10512	Kelly, Michael J.	P56322
Best, David W.	P63627	Kendall, Robert T, III	P29862
Carroll, Sean	P44452	Kritselis, William N.	P16250
Falahee, Charles J., Jr.	P27915	Mikelonis, David A.	P17709
Goostrey, Daniel A.	P58019	Schlecte, William M.	P19991

These evaluators are required to reapply by December 1, 2011.



<b>Case Evaluators for 7/01/09 to 7/01/13</b>
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Beer, Brendon R.	P65365	Lindsey, Richard C., Jr.	P51342
Blaske, Thomas H.	P26760	Marienfeld, Ronald L., II	P64232
Davis, Peter A.	P12563	Matyjaszek, Robert	P25583
Dungan, Michael B.	P47051	Mittleman, David S.	P37490
Hilderley, Brian T.	P60136	Odlum, Christian P.	P55575
Hofer, James M.	P49719	Philpot, Margaret M.	P62134
Joppich, Richard J.	P41709	Rappleye, William G.	P41592
Kuhnke, Carol	P55348	Schaedler, Phillip A.	P35047
LaFlamme, Richard N.	P32641	Staley, P. Leni	P43734

These evaluators are required to reapply by December 1, 2012.

An evaluator may be removed from the list by informing the ADR Clerk in writing.

## DNA PATERNITY TESTING SERVICES PATERNITY TESTING OPTIONS

We offer two types of paternity testing from which to choose. DNA tests are performed at aAB8 certified facilities.

### Court Ready Test

For legal DNA paternity testing, an unbiased specimen collector swabs the inside of a cheek to obtain a sample. This is done at one of over 5000 collection centers nationally. The procedure also involves a strict Chain of Custody procedure which includes:

- ▶ Verification of government issued photo ID for each adult tested party
- ▶ A photograph of each tested party
- ▶ The signature for each adult tested party

### At-Home Testing

For at-home testing, the customer can collect his/ her own cheek swab samples in the comfort of your own home. Our service includes easy-to-use kits with detailed instructions.

## CONTACT US

### PRIVATE PATERNITY BROKER

EVA CARROLL

301 E. Main St.

Spring Arbor, Michigan 49283

517-937-0464

[emcarroll2@hotmail.com](mailto:emcarroll2@hotmail.com)



## DNA Paternity Testing

*Fast, reliable, accredited,  
trusted and always confidential*



## WHAT IS A DNA PATERNITY TEST?

A DNA Paternity Test is a scientific test performed to determine if a man is or is not the biological father of a certain child.

## HOW ARE SAMPLES TAKEN?

It is a simple, instant and painless process. Specimens are collected by rubbing the inside of a cheek with a cotton tipped swab. With our easy, at-home test, we mail a kit directly to you and you simply send the specimen back in a provided, prepaid envelope. Legal tests are collected at a collection center and not at home. We provide one of the largest specimen collection networks in the world. All convenient collection network locations can handle your specimen.



### DID YOU KNOW?

- ▶ A court order is not required
- ▶ A doctor's order is not required\*
- ▶ Testing may be performed without the mother's sample
- ▶ Children of any age can be tested with proper authorization

\* Except in the State of New York

## THE TESTING PROCEDURE

Every case received by our laboratory undergoes quality control testing. This assures errorless results. Through statistical analysis in which both test results are factored, the DNA profile of a child is compared with that of the alleged father. Your results will either state a probability of paternity which is routinely 99.99% or 0.00%.

## CERTIFIED AND ACCREDITED TESTING

Our Lab partners take great pride in their reputation as one of the most experienced and accredited laboratories for paternity and other highly technical forms of DNA testing in the world. Our **aaBB** accreditation has been renewed consistently since the inception of the program in 1985. **aaBB** accreditation provides you assurance that testing is being performed by qualified scientists using validated scientific practices.

## NON-STANDARD SAMPLES

In cases when it is not possible to obtain a cheek swab for sampling, our laboratories have the capability to draw conclusive determinations from other sources that provide DNA signatures. These sources include, but are not limited to:

- ▶ Chewing Gum;
- ▶ Cigarette Butts
- ▶ Licked Stamps/Envelopes

To see a complete listing of potential samples visit our website or contact us directly.

## PATERNITY TESTING RESULTS

Results for routine DNA paternity testing will be issued within 3 business days of the receipt of all samples for a case. All court-ready results will be notarized.

## CONFIDENTIALITY AND PERSONAL SECURITY

Your privacy is critical to us. Our labs store all paternity testing information and data in a secure facility. It is not accessible to unauthorized personnel. We will never release any personal information, including contact information, to other parties without express written authorization from the customer.