

GENESEE COUNTY
CIRCUIT AND
PROBATE COURTS
E-NEWSLETTER

a quarterly publication

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MURALS OF THE HISTORIC GENESEE COUNTY COURTHOUSE

An intriguing mystery was to be solved, as the Courthouse Square Project (1998-2003) moved into the restoration phase. The Courthouse is graced with original murals that dignify and adorn two historical courtrooms. However, the identity of the muralist was unknown.

No obvious signatory marks or records identifying the artist could be found. A keen interest developed in discovering his identity. The historic renovation of the courtrooms, and their return to grandeur, made the quest more urgent. Many art institutes, archival sources, libraries and newspaper articles were consulted.

The murals were prominently featured in a 1926 newspaper account of the grand opening of the Courthouse. It was written that they were an “instant crowd pleaser with the touring public.” The composition of the murals was extensively reviewed.

Notably absent from the article was any reference to the artistic contributor. A trip to the State Archives at the Michigan Historical Center in Lansing was made. Minutes from the 1925 and 1926 Genesee County Board of Supervisors were on file and made reference to the courthouse construction. The name of the muralist was not included in the materials.

The Michigan State Capitol Historian, Kerry Chartkoff, was contacted, to draw upon her experi-

ence in discovering the identity of the muralist whose works adorn the Capitol Building in Lansing. For many years, the identity was unknown.



Ms. Chartkoff suggested sending out letters of inquiry to museums, historical societies and art institutes. Letters were sent to the Chicago Art Institute, Cranbrook Art Academy, Detroit Institute of Arts and others. Photographs of the courthouse murals were included. Hope began to fade, when responses were not forthcoming.

Shortly thereafter, and quite unexpectedly, an art conservationist from Chicago contacted the court. The caller inquired as to whether there were *Edgar Cameron* murals in the Courthouse. She was involved with the restoration of another Cam-

eron mural in the Chicago area.

The Genesee County Courthouse was said to be mentioned in the biographical information of *Edgar Spier Cameron* in *Who's Who in American Art*. An immediate trip to the Flint Public Library and a rapid Internet search for similar works, confirmed that Cameron painted the murals.

Still unknown is how Cameron became associated with the mural project at the Courthouse. The 1920's were a rich period of growth for Genesee County, with industrialists and visionaries firmly imbedded in the community. One can only surmise that someone, somehow came across Cameron perhaps in their travels to Chicago.

There is something left to discover for the next caretakers of the Courthouse. —jep/bam



Muralist

Edgar Spier Cameron (1862–1944) was born in Ottawa, Illinois and studied in Chicago, New York and Paris. He returned to Chicago with his French-born artist wife, Marie Gelon. As an art critic for the Chicago Tribune (1890–1900), he participated in the World's Columbian Exposition and interpreted new art for the public. He won the Paris Exposition Silver Medal in 1900. His works were prominently displayed at a number of shows at the Chicago Art Institute.

Cameron had a wide range of interest in subject matter, including portraits, landscapes, genre and historical paintings. Some of his paintings resulted from travels to Belgium, Brittany and Paris. It is clear from the inventory of his work, that American history and landscapes were of special interest.

A portion of his artistic career was spent on mural commissions. He was one of the artists who worked on *The Chicago Fire* cyclorama prior to the 1893 World's Fair. A number of his murals remain intact in prominent buildings in Chicago.

One of his mural commissions (*right and below right*) merit further notice. The murals, now located at the Mead Public Library in Sheboygan, Wisconsin are particularly reminiscent of the murals in the courthouse.



Scenes (above and below) from Courtroom No. 3 depicting the trade importance of the Flint River and Native American presence in Genesee County.



"William Paine and Colonel Oliver Crocker with Native Americans in the Building of the First Dam on the Sheboygan River" (above) and "Sheboygan Industry and Education" (below)



Restoration of Courtroom No. 1



The murals in the third floor courtrooms were the showpieces of the Courthouse when it opened in 1926. The mural panels in Courtroom No. 1 represent the industries that provided economic growth in the region; lumbering, agriculture and manufacturing. Though painted in 1926, the mural was reminiscent of the monumental artistic works commissioned in the depression, under President Franklin D. Roosevelt's Works Progress Administration (WPA).



Air conditioning and suspended ceilings were introduced to the Genesee County Courthouse in the early 1970s. It was during this period that sections of the mural below the ceiling line were removed. The whereabouts of the removed mural pieces remain unknown. *(Left)*, is a picture of the courtroom as it appeared in the 1970s and until the mural was recreated



A 1926 black and white photograph and the remaining mural pieces above the ceiling line *(above)* provided the basis for mural recreation.



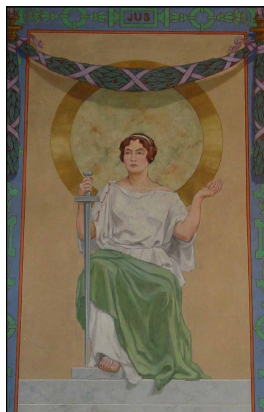
Restoration of Courtroom No. 2



Courtroom No. 2 was the only historical courtroom that remained true to its original appearance, except for over-painting the gold leaf ornamentation. As such, it remained more historically accurate in appearance.



The original chandeliers in this courtroom were cleaned and restored. Additionally, the sources of light within these fixtures were augmented to provide sufficient lighting for the courtroom occupants. Remarkably, this electrical upgrade did not alter their appearance. The restored fixtures also became a model for replication of eleven similar fixtures in the historic courtroom spaces. They are solid brass and copper.



The mural composition in Courtroom No. 2 reveals classical and allegorical themes. The muses at the upper corners represent symbolic figures of justice. The fasces, bundles of rods bound together around an ax, were emblems of authority in the Roman era. Common, Natural, Roman and Mosaic Laws are also noted.

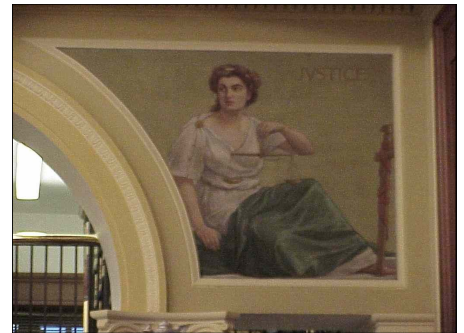
Murals Compared



Jurisprudence

A grouping of four murals in the Illinois Supreme Court Library in Springfield, offer striking similarity to the classical murals in Courtroom No. 2.

The four are painted to represent the ideals of: *justice, precedent, jurisprudence and knowledge.*

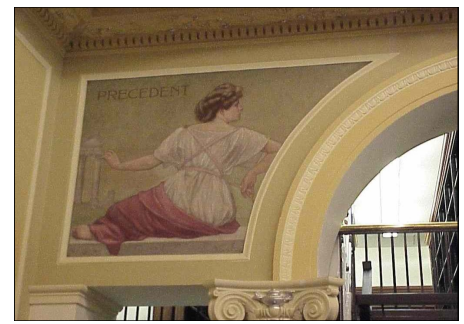


Justice



Knowledge

*Photo credit:
Chicago Conservation Center*



Precedent



The murals of Courtroom No. 2 feature depictions of *Mosaic Law (left), Natural Law (above) and The Codification of Roman Law by Justinian (right).*



Restoration of Courtroom No. 3



This was the largest courtroom. The original back wall was the Saginaw Street facade. The current back wall of the courtroom was added sometime thereafter. The added walls created an office for a court stenographer and two small private offices. The modernization of the mechanical systems changed beautifully proportioned spaces by adding suspended ceilings.

The courtroom features a mural depicting the crossing of the Flint River at Saginaw Street. *The Flint Daily Journal* described the mural in an article of November 7, 1926, as being the “most interesting from an historical point of view.” The crossing would later become the focal point of downtown Flint. The artistic expression also captured the culture and heritage of the Native Americans that were in the area. *Jacob Smith*, the founder of Flint, built his trading post near the crossing.



Significant effort was undertaken to return all third floor courtrooms to their original interior colors. No historic photographs were found to illustrate the original decorative scheme. By carefully removing layers of non-historic paint, original brush strokes were discovered. Each courtroom is a combination of several colors and glazing techniques. The *Dutch metal* cornice near the ceiling line was returned to its original luster. Gold leaf was reapplied to the raised panels.

A decorative stenciling pattern, unique to Courtroom No. 3, was revealed during the paint restoration process. A trompe l'oeil technique was added to the back wall to add dimension and perpetuate the overall decorative theme.

The “New” Mural

On the fifth floor, in a courtroom currently occupied by Judge Beagle, the newest courthouse mural can be seen.

With private funding from the Genesee County Bar Association, Genesee County Bar Foundation, the legal community and other benefactors, a mural that captured the development of Genesee County through its small cities and townships was conceived. The mural also depicts local leaders from various walks of life.

The mural was created by Stefan Davidek (1924-2016) and many other talented members of the Davidek family. When the mural was formally dedicated and received on September 28, 2007, it was a Davidek reunion, with many family members in attendance to celebrate and honor the work of the patriarch.

In retrospect, there was a sense that this would be the final monumental mural installation that would bear the recognizable Davidek sense of community and personal pride of familial accomplishment.

Note: Since the last mural installation, 2 early Davidek works were purchased from an auction in Lansing. They bear the name of “Stephen” Davidek, before he returned to the original spelling of his first name. In 2012, his family repaired the original frames and canvass. They now adorn the walls of the 5th floor courtroom, currently occupied by Judge Newblatt.

Davidek was very surprised to learn that the court had acquired the works. He was

a young man when they were done. His personal style was yet to be developed.

Davidek was influenced by the renowned murals of Diego Rivera, permanently installed at the Detroit Institute of Arts. He spoke about seeing them with his father and being awestruck by their content and magnitude. His style, in the early years, was reminiscent of Rivera.

Once again, we are reminded of a remarkable artist who brought murals to the Courthouse and the second remarkable artist who came 75 years later.

“Once again, we are reminded of a remarkable artist who brought murals to the Courthouse and the second remarkable artist who came 75 years later.”



THE CHIEF SPEAKS

Most of the readers know that there is one court system in the State of Michigan. All Courts are state courts and generally administered under the constitutional authority of the Michigan Supreme Court.

While funding of the courts falls mostly on the local funding unit, counties receive an annual distribution from what is referred to as the *court equity fund*. The distribution is based, in part, on the annual filings of the circuit and probate courts, fund balance availability and other factors.

The State Court Administrative Office (SCAO) is the Administrative Division of the Michigan Supreme Court and provides statewide support to courts. Genesee County is in Region 2 of SCAO, along with

the counties of Clinton, Gratiot, Shiawassee, Eaton, Ingham, Livingston, Jackson, Washtenaw, Hillsdale, Lenawee and Monroe.



There are a total of 6 SCAO Regional Offices, each with a regional administrator.

Region 2 Administrator is Jodi Latuszek, who is available to assist the courts in her region. SCAO Regional Offices also review all local administrative orders submitted for approval.

Some of the recent activity of SCAO includes the selection of the statewide e-filing and electronic document management system vendor for trial courts statewide. ([Link to SCAO memo](#)).

ImageSoft, Inc. was chosen based upon a comprehensive evaluation of proposals. Evaluators came from across the state, including courts who have participated in the pilot e-filing projects.

The 2016 Performance Measures and Outcomes Report for Michigan Problem Solving Courts was also published by SCAO. ([Link to Report](#)). There are 185 problem solving courts in Michigan. In Genesee County, we have adult, juvenile and family centered specialty courts

to address specific problems that impede employment and quality of life.

In FY2018, certification of drug courts will be required. In FY2019, certification of mental health and veterans courts will follow. This is a SCAO initiated process designed to bring best practices and support to the local programs.

There are many other resources offered through SCAO. The website is a rich resource for the public, attorneys and courts. I would encourage you to get acquainted with the content, www.courts.mi.gov. –cjrby

THE SYMBOLS OF THE MURAL

The muses. There were 9 muses in Greek mythology, the daughters of Zeus and Mnemosyne, who were assigned particular domains and attributes.

In the mural in Judge Yuille's courtroom, there are perhaps 3 muses. With some artistic license to the muralist, one muse depicts law, one for justice and the third for natural law.

Fasces. In the same mural, there are bundles of wooden rods or sticks, sometimes with an axe included.

These are known as *fasces* and are a symbol of power and ju-

risdiction, passed down to Rome from the Etruscan civilization. The axe symbolizes the power to punish.

Occasionally a laurel wreath is associated with the bundle to symbolize victory. The official seal of the United States Senate includes a pair of crossed fasces.

Fasces also appear on and in other buildings in Washington, D.C., including the White House. Many other countries also incorporate the image in official seals and signs.

The Emperor Justinian. Roman Law developed many of

the ideas of justice that we still use as a basis for law. As early as 450 BC, there were 12 bronze plates that contained the Roman Law and are referred to as the "Twelve Tables." Much later the Emperor Justinian collected them into one work, the Justinian Code.

It allowed the citizenry to know in advance what was permitted and to expect punishment, should infractions take place.

Mosaic Law. The mural contains a depiction of Moses receiving divine writings on stone tablets, as contained in the Old Testament of The Bible.

The mural has not been without its controversy. The Flint Journal once wrote an article about the mural and included comments about whether religious depictions were impermissibly included in a courtroom mural.

In the final analysis, the conclusion seem to be that it was an artistic and historical rendering by an artist. –bam

COURT ADMINISTRATOR CORNER

Indigent Criminal Defense Services

On March 22, 2017, the State of Michigan, Department of Licensing and Regulatory Affairs (LARA) adopted the first 4 minimum standards for indigent criminal defense services. This followed a public hearing and comment period.

The Michigan Supreme Court conditionally approved the proposed standards on June 1, 2016, subject to legislative amendments to the Michigan Indigent Defense Commission (MIDC) Act.

The legislative amendments went into effect January 4, 2017, shifting the MIDC from an independent agency housed within the Judicial Branch to one within LARA.

Local compliance plans and cost projections for compliance are due from each county by November 20, 2017.

The standards apply to adult misdemeanor and felony charges.

The first 4 standards are:

1. Education and training of defense counsel - 12 hours annual CLE and basic skills training for attorneys with less than 2 years experience.
2. Initial interview of client within 3 business days of assignment, when in custody. If the client is not in custody, prompt communication should be undertaken so that the client can follow up and schedule a meeting. Interviews should be done in a confidential setting to the extent reasonably possible, both at a jail, lock up or courthouse. Counsel should determine if the client is capable of participating in the representation with respect to forensic evaluation related issues and language barriers.
3. Investigation and experts – attorneys have a continuing obligation to investigate the charges and, if appropriate, request funds for investigators and experts.
4. Counsel at first appearance – counsel must be present for the arraignment on the warrant and at all other proceedings.

Detailed information about MIDC and the adopted standards can be found at ([website](#))

The Genesee County Board of Commissioners approved membership of a local compliance plan workgroup that will be charged with drafting the Genesee County Compliance Plan. The Board will approve the final submission to MIDC. The local compliance plan workgroup membership is as follows:



Members

Dena Altheide
Director of Court Operations
67th District Court

Philip H. Beauvais III
Criminal Defense Attorney

F. Jack Belzer
Township Attorney
Mundy Township
Fenton Township

Marlene Collick
Director
Community Corrections

Glenn M-D Cotton
Criminal Defense Attorney

Captain Jason Gould
Office of the Genesee Cty. Sheriff
Jail Administrator

Barbara A. Menear
Administrator
Defender Program
Circuit Court

Judge Christopher R. Odette
Presiding Judge
67th District Court

Judge Nathaniel C. Perry III
Presiding Judge
67th District Court/5th Division

Tammy J. Phillips
Chief Assistant Prosecutor

Advisory Member
Ashley A. Carter Attorney
South Central Regional Manager
MIDC



- Thanks to *Mary Lee Griffin* for her work as court record manager for Judge Neithercut. Mary is handing the headset over to Tammy Johns. Welcome to Tammy. The court looks forward to your service.

- Congratulations to *Judge Mark Latchana*, as he ascends to the position of President of

the Genesee County Bar Association.

- Welcome to *SCIOTO Services*, the new *daytime* facilities maintenance provider for all of the Courts. Thanks to Genesee County Purchasing Department and Building & Grounds for their work on this contract.

- Another thank you to the *Genesee County Building &*

Grounds Department for the plantings and other work on the grounds of the Courthouse Square.

- *Samantha Rivera* has joined the staff of the County Clerk – Legal Division, as a deputy clerk.

AROUND THE TOWN

• **FREE Movies Under The Stars!** Bring your lawn chairs & blankets. Free popcorn & snacks! Movies begin at dusk & there are games & activities for all ages. Visit

www.communitiesfirstinc.org for locations & showings

• **FENTON OPEN GATE GARDEN TOUR** July 9th – 10am – 5pm 20th annual Garden Tour featuring 7 Fenton & surrounding area gardens & 1 nationally recognized garden! Admission includes maps, garden guides, refreshments, merchant discounts & a raffle. Purchase tickets & find additional information at:

www.opengategardenclubgarden.tour.com

• **TUNES AT NOON** July 10 – August 18 - 11:45am – 1:15pm

Daily Wilson Park in downtown Flint eat your lunch & enjoy FREE music all through the week! A mix of music by Michigan musicians including jazz, blues, rock, gospel and more.

www.GeneseeFun.com

• **BUCKHAM ALLEY FEST** July 15th 4-10 pm Buckham Alley, Downtown Flint A free festival with 10 bands on 2 stages, plus dance, steel drums, artisans, street performers, vendors & crafts.

www.Buckhamalleyfest.com

• **FLINT RIVER FLOTILLA** 2017 August 5th, 1:00pm Enjoy a leisurely float down the Flint River at the Fourth annual Flint River Flotilla. Onsite registration opens at noon. Prizes given for “Highest Energy”, “Most

colorful” & “Spirit” <http://www.frcalliance.org/events/>

• **BACK TO THE BRICKS FESTIVAL** August 15-19 Saginaw Street, Downtown Flint celebrating its 13th year and drawing more than 500,000 people, it is recognized as one of the top 50 car cruises in America.

www.backtothebricks.org

• **CRIM FESTIVAL OF RACES** August 25 & 26 Downtown Flint 10 Mile road race with 8 other run/walk events, sports expo & entertainment. Find a local training group & get running!

www.Crim.org

• Congratulations to Café Rhema for winning the Best Coffee House in Genesee County for the 4th year in a row! Check out

www.mycitymag.com for other winners in our area.

• Don't forget about Flint's new trolley! The Trolley offers free rides to visitors College students & residents to get around downtown Flint on Thursday, Friday & Saturday from 2pm – 10pm.



EMPLOYEE SPOTLIGHT



Left to Right: Marji Theodoroff, Carolyn Holbeck, Skye Whitcomb, Danielle Green

Marji Theodoroff began June 12th as a program clerk with the Friend of the Court. Marji has a background in

training and human resources, having worked at Baker College and EDS.

Carolyn Holbeck started working at the Friend of the Court on March 29th in the Customer Service area. She previously worked in the health care industry.

Skye Whitcomb joined the Friend of the Court on April 12th as part of the bench warrant enforcement team. She is a graduate of Mott Community College and UofM Flint.

Danielle Green started with the Friend of the Court on April 24th as a program clerk. She is currently assigned to the Customer Service area.

Erica Alexander began working for Probate Court on June 21st as a deputy register. She previously worked for the Friend of the Court for 3 years as a program clerk.



Above: Erica Alexander



There is a new and exciting way for low-income residents of Genesee County to get answers to their legal questions. The State Bar of Michigan, Genesee County Bar Association, and Legal Services of Eastern Michigan have partnered to bring a new type of legal aid to Genesee County.

The new program is called MI Free Legal Answers, <https://mi.freelegalanswers.org>. The website is free, easy to use, and mobile friendly.

Visitors that qualify (earning less than 200 percent of the federal poverty guidelines—roughly \$48,600 for a family of four) can post

their questions (up to three per year), and receive an answer from a Michigan licensed lawyer. Visitors can ask about any non-criminal matter, from land contracts to family law, bankruptcy to housing, and everything in between. And while attorneys in this program will not represent visitors in court or prepare any

documents, they are able to refer them to appropriate legal aid, self-help, and other resources as needed. We look forward to helping you.

If you're a lawyer, please consider signing up today and helping provide a much needed service to our community. You can answer a question of your choosing from the comfort of your couch. —sb

CASELOAD REPORTING ANALYSIS

In January of each year, all trial courts submit an annual report, known as the **caseload report**, as required by MCR 8.103(7) and MCR 8.110(C)(1). The report is electronically submitted to the State Court Administrative Office (SCAO).

This report is divided into three parts:

Part 1 includes reports of beginning pending caseload, new case filings, and reopened cases.

Part 2 includes reports of cases disposed and cases made inactive.

Part 4 includes pending case age and case age at disposition reports. (Part 3 was intended to measure judicial activity but was never developed).

Caseload reports are due by January 30 and verification is due by February 28. The Chief Judge must acknowledge that he or she has reviewed the report prior to submission.

The caseload report is just one of a multitude of administrative reports that the chief

judge or courts have to submit to SCAO throughout the year. Arguably, it is the most important report submitted.

For internal court management, caseload is a vital source of information related to court operations. This includes case assignment, scheduling, work load assessment, resource allocation and trend analysis.

The caseload report also plays an important role in an annual appropriation from the state known as the **Court Equity Fund**.

The Court Equity Fund provides funding for trial court operations across the state

based on a formula that recognizes circuit and probate caseload activity and the

number of judgeships allocated to each county.

In FY 15/16, \$49M was distributed to the 83 counties in Michigan. Genesee County received \$2,141,605 in funding.

In addition, the caseload report is an important factor in the **Judicial Resource Recommendation Report (JRR)**.

The JRR report is prepared biennially by SCAO. Within this report, state judgeships are reviewed and assessed.

The review of trial court judgeships begins with a statistical analysis in which case filings were weighted to reflect the amount of judicial time necessary to handle each case type.

For example, a medical malpractice case requires much more judicial involvement than a civil infraction, so the

medical malpractice case weight is much greater.

This weighted factor is applied to all of the case types that comprise the docket of the court. This is done to account for variations in complexity and the need for judicial attention. This facilitates the measurement of the judicial workload necessary to dispose of these cases.

Finally, two other funding streams are caseload related. One is the **Drug Case Information Management Fund** and the other is **Drunk Driving Caseload Assistance Fund**.

Circuit and district courts must annually report the counts on drug related cases and alcohol related cases to SCAO.

SCAO is responsible for the annual distribution of the fund to circuit and district courts.

Each court receives a proportion of the fund based upon its drug related caseload and the statewide caseload for each calendar year. -jep



CASE EVALUATION—HISTORY AND CURRENT STATS

Case Evaluation is a form of alternative dispute resolution, which requires most civil cases to be evaluated by a panel of three attorney evaluators.

They review written briefs, listen to oral presentations and evaluate the monetary value of a case.

At the conclusion of the case evaluation hearing, the panel renders a monetary award. The award is generally thought of as the case evaluators' collective opinion of the settlement value of the case.

The parties must then either accept or reject the award. If all parties accept, the case is settled. If one of more parties rejects the award, the case proceeds to trial.

A party who rejects an award is subject to liability for case evaluation sanctions. Case evaluation sanctions include attorney fees and could be substantial.

The case evaluation process has been long been imple-

mented in Genesee County.

Case evaluation, originally known as mediation, began here in 1975 when it was adopted by circuit bench as Local Court Rule 29. The bench and bar committee of the Genesee County Bar Association was very active in the administration of case evaluation.

They selected the case evaluators and recommended interpretation of the rules. Genesee County was the third county in the state to adopt a case evaluation program.

In 1980, the Michigan Supreme Court adopted General Court Rule 3.106. This was very similar to Local Court Rule 29.

Selection of case evaluators is currently governed by MCR 2.404, which took effect on October 1, 1997. The rules were adopted because of concern that the women and minorities were significantly under-represented in the case evaluation process.

This was the result of a Michigan Supreme Court Task Force appointed to study racial/gender issues in the courts.

Under the current rule, case evaluators must have the following qualifications: 1. Be a practicing lawyer for at least 5 years; 2. Be a member in good standing with the State Bar of Michigan; 3. Reside, maintain an office or have an active practice in the jurisdiction; 4. Demonstrate that a substantial portion of his or her practice has been devoted to civil litigation matters.

In Genesee County, as in other large urban counties, case evaluation acceptance rates within the 28 day response period generally range from 15% – 20%.

In 2011, the State Court Administrative Office issued a report on the effectiveness of case evaluation and civil mediation.

The study concluded that, while both processes have value in prompting case dis-

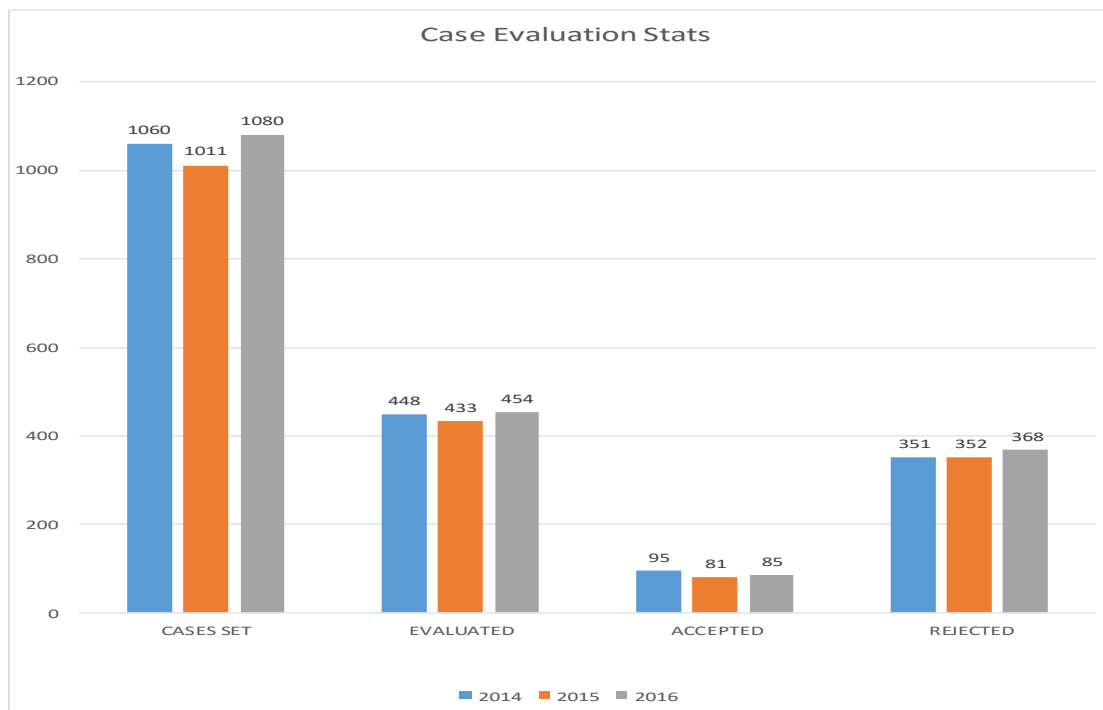
positions, mediation was more effective in resolving cases quickly and in producing higher rates of settlement.

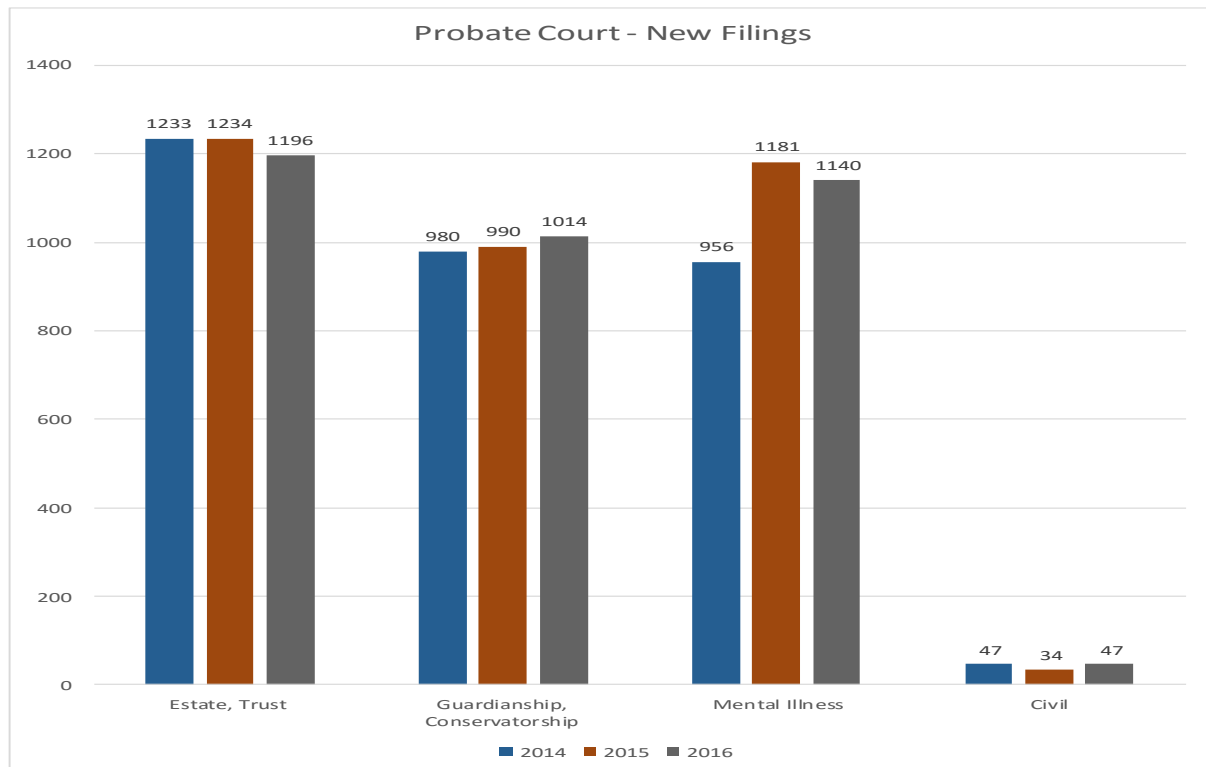
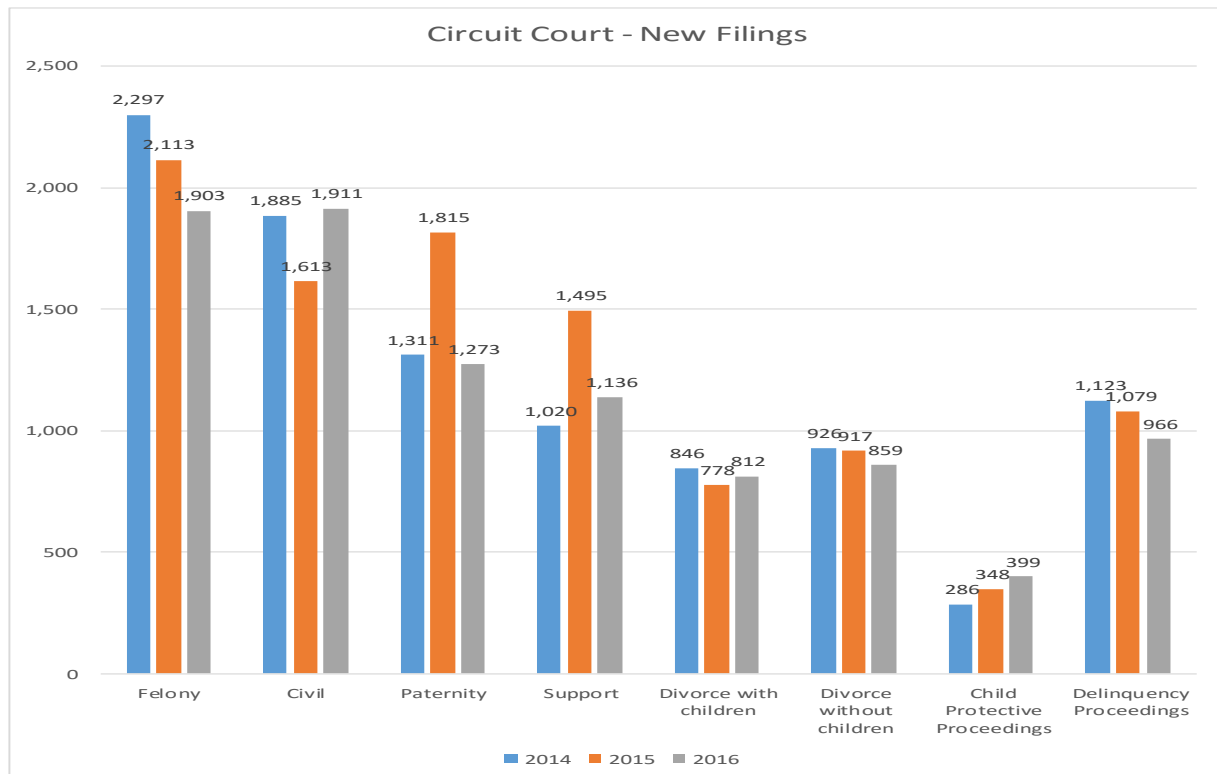
That having been said, there are proponents of the case evaluation process. The study revealed that judges have a more favorable view of case evaluation than attorneys.

In addition, the study noted that plaintiff attorneys expressed concern about early referral of personal injury cases to mediation. Discovery may not be complete and insurance defendants may not be motivated to participate in a meaningful mediation.

There were also recommendations to the case evaluation process. Increasing the amount of the \$150 late filing fee, limiting the length of case evaluation briefs and having panels share how they arrived at the amount of the award were noted.

The 2014, 2015 and 2016 case evaluation statistics are listed below. —jep





Read All About It



Hearsay is now available on the Circuit Court website www.7thCircuitCourt.com/hearsay-newsletter

We want to hear from you! Send us an email letting us know what you would like to see in the newsletter and feedback on the current edition. You can also submit ideas and information about activity in your department. hearsay@7thcircuitcourt.com