

# HEARSAY

GENESEE COUNTY  
CIRCUIT AND  
PROBATE COURTS  
E-NEWSLETTER

a quarterly publication

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## A STEP FORWARD AND A LOOK BACK

It has been said that courts are slow to change. While this may be true, there are valid reasons why deliberation is warranted before institutional change can and should be made.

A bit of history. The Genesee County Circuit Court added a judge in 1977, when the 7<sup>th</sup> circuit court judge position was created and Judge Robert M. Ransom appointed. In 2003, the 8<sup>th</sup> seat was created. The judgeship was filled by Judge John A. Gadola. This was followed by the statutory conversion of a probate judge position to the 9<sup>th</sup> circuit judge position and Judge David J. Newblatt joined the Circuit Court.

In 1998, when the Family Division was created by statute, the Genesee County Circuit Court appointed 2 judges to the first Family Division bench. The Probate Court appointed the same number. It was a 4 judge inaugural bench – Judge Duncan Beagle, Judge Thomas Gadola, Judge Bruce Newman and Judge Thomas Yeotis.

As you may know, Judge David J. Newblatt, has been tapped to move from the Family Division to the Criminal-Civil Division, effective May 1, 2018.

This will increase the total number of Criminal-Civil

Division Judges from 5 to 6. Accordingly, the Family Division will return to 4 Judges, 3 Family Division Attorney Referees and 2 Friend of the Court Attorney Referees.

This action was preceded by a review of the entire court docket to determine if judges were assigned to divisions in such a



way that the work of the court was best being served. Case-load trends and judicial time guidelines, promulgated by the State Court Administrative Office (SCAO), were helpful in this regard.

Nearly all of the judges do exceptionally well in resolving cases within the time guidelines. There are factors, however, beyond the control of a judge that cause cases to linger and extra judicial time to manage.

Capital case filings increased 15% from 2016 to 2017 and a staggering 133% since 1999.

Each of these cases involve serious allegations with the defendant in custody. The rated design capacity of the Gene-

see County Jail is 580. The design capacity is often exceeded and monitored by the Sheriff and Judges on a daily basis.

At the most recent meeting of the Genesee County Community Corrections Advisory Board of which Judge Judith A. Fullerton is the Chair, the statistics related to the composition of the jail population revealed that 584 of the total jail population were unsentenced felons. You wonder how this can be. I did too.

Robert J. Pickell, Genesee County Sheriff, has

arrangements to lodge some of the sentenced jail population in other jails around the state. Hence, the vast majority of the local jail is comprised of inmates accused of a felony offense. The cases could be pending in district court or circuit court. The case could be pending trial or pending sentence. The consistent thread is that the inmate remains lodged.

The capital cases often include DNA testing that can take months to complete, a forensic evaluation for competency or criminal responsibility with the potential for an independent evaluation, attorney scheduling conflicts and witness availability just to name a few of the reasons that contribute to delay.

(Continued on page 8)

# THE CHIEF SPEAKS



In this edition, the Chief relinquishes his standing column to 67<sup>th</sup> District Court Judge Mark C.

McCabe. Judge McCabe writes “Ask the Judge” for the *Tri-County Times*. We welcome Judge McCabe to *Hearsay* and look forward to re-prints of his future articles.

Defendants in criminal cases are entitled to a number of rights under the United States Constitution including certain pretrial rights which are called “Miranda Rights”.

These rights come to us from a famous 1966 United States Supreme Court case called Miranda v Arizona which involved one Ernesto Miranda who had been tried and convicted in Arizona of kidnapping and raping an 18 year old girl.

He confessed to the crimes but hadn’t first been told of his right to remain silent or to an attorney.

As a result of this omission, the Court held his confession wasn’t voluntary and it was suppressed. Additionally new requirements were announced as to the specific rights that an arrested defendant has and which must be given to them before being questioned by the police.

These rights are now very well-known and I won’t repeat them here verbatim. Suffice it to say that they make it clear that defendants have the right to remain silent, to not incriminate themselves, to consult with and have an attorney (appointed or retained) present during questioning and to stop answering questions at any time.

The Supreme Court sent Mr. Miranda’s case back to Arizona for a retrial. He was convicted of the same charges (without the confession). He was initially paroled in 1972 and started selling autographed Miranda warning cards for \$1.50 each.



He violated his parole and was sent back to prison and released again in 1975.

On January 31, 1976 he was involved in a card game argument in a Phoenix bar and was fatally stabbed. A suspect was arrested and when in police custody he was read

his “Miranda Rights” from a Miranda warning card. He refused to talk and was then released. He fled to Mexico and no one was ever charged with Miranda’s murder. Legal commentators have pointed out this irony.

Some years ago there was a radio personality named Paul Harvey who had a show called “The Rest of The Story” where he told short stories of little known facts about famous people.

At the end of the show Mr. Harvey would always say “And now you know the rest of the story.”

So as to Mr. Miranda – now you do too. –mcm

## ADMINISTRATOR CORNER

As part of a broad-based examination by trial courts, records management services, and the Michigan Archives, the State Court Administrative Office (SCAO) recently introduced modified retention schedules for the family, district, circuit, and probate courts.

The statewide records management project aims to allow the judiciary to control its own records, implement a more practical approach to records maintenance, and establish policies for managing records.

The modified records and retention schedule, along with e-filing, is another major change

for courts that will serve to improve efficiency, save costs, and streamline court processes.

The first steps to ensure appropriate retention and destruction of records are underway in the courts. The 7<sup>th</sup> Circuit Court has recently hired two student clerks to scan paper records to compile electronic files.

The Archives of Michigan visited the probate court in February to review the records in storage and retrieve certain records that fall outside the new schedules.

SCAO is scheduled to visit the circuit and probate courts in

the coming months to develop a records disposal plan.

Moving forward, proper utilization of a court case management system and document management

system are essential to transition from paper filing and record keeping to e-filing and electronic storage. Genesee County Courts use Judicial Information Systems (JIS) and On-Base platforms for these purposes.



For more information on record and retention schedules, please visit [www.courts.mi.gov](http://www.courts.mi.gov). –so

# LAW DAY MAY 1, 2018

## *Separation of Powers: Framework for Freedom*

Law Day is celebrated every year on May 1st.

It is held to celebrate the role of law in our society and to cultivate a deeper understanding of the legal profession.

Law Day was established by President Dwight D. Eisenhower in 1958. In 1961 Congress issued a joint resolution designating May 1 as the official Law Day.

The theme for 2018 is *Separation of Powers: Frame-*

*work for Freedom.* With 3 distinct branches of government, legislative, executive and judicial each functions as a check and balance on the other.

The Law Day theme encourages us to reflect on the separation of powers as

fundamental to our constitutional purpose.

For more information on Law Day, [www.lawday.org](http://www.lawday.org).  
—bam

## YOUTH CAREER ACADEMY OF FLINT

There is a growing body of research that supports the notion that one of the most effective ways to effect recidivism is to equip young offenders with the skills and opportunities to obtain employment.

Employment providing a living wage will help them grow into productive, law-abiding citizens.

The 7<sup>th</sup> Judicial Circuit Family Division recently contracted with Peckham Youth Services to provide youth this opportunity to develop their employability skills.

Peckham Youth Services launched the Youth Career Academy of Genesee (YCA-G) in January 2018.

The program will enroll up to 20 court-involved youth at a time. The program design incorporates soft-skills training (including *cognitive behavioral therapy* CBT skills, and substance abuse CBT skills), hard-skills training (applications, resumes, interview skills), certification opportunities (CPR, *ACT National Career Readiness Certificate (ACT NCRC)*), and in-

dustry-recognized credentials. Students enrolled will spend a minimum of 8 weeks developing their professional portfolio and developing these work related skills.



photo with permission

Additionally, each student will participate in a minimum of two *Give-Backs*. *Give-Backs* are practiced by all Peckham Youth Services programs. *Give-Backs* are student led community restorative justice projects. Students take on leadership roles and design and implement community based projects to better the lives of others.

The first *Give-Back* for YCA-G is scheduled for March 2018. Once a student completes the work readiness curriculum, the YCA-G Job Developer will place students into a paid work experience related to their career goals.

Peckham will be the Employer of Record during the students 120 hour work try-out. The YCA-G has been enrolling students since the end of January 2018 and anticipates a full roster of twenty students by the end of April 2018.

Since launching the program the students have completed their vocational assessments, individualized treatment plans, participated in CBT-Skills groups and CBT Substance Abuse groups.

Peckham is thrilled to be working with these amazing students in Genesee Co. and eager to showcase their talents and accomplishments.

### **Upcoming Events planned for YCA-G include:**

March 20 – Talent Tour at Hurley Medical Center  
March 28 – Give-Back event at Nature Preserve  
March 30 – Incentive Trip to Splash Village, Frankenmuth  
April 13 – Flint Employment Fair & Digital Divas Event at Eastern Michigan University  
April 25 – Talent Tour in Hospitality Industry



photo with permission

**STUDENT WORKER OF THE MONTH!!!** Congratulations to Anthony N. for earning Student Worker of the Month for February. Anthony came into the Career Academy with motivation and determination to meet his goals.

Anthony has perfect attendance and has earned perfect points during programming. He actively engages while in the classroom and he's working hard to build his portfolio.

Anthony wants to become a mechanic and has been working on the skills to be successful in that field.

He is very respectful and has been doing an amazing job at the Career Academy. —sb



## LEGAL SERVICES OF EASTERN MICHIGAN -COURTHOUSE FAMILY LAW CLINIC-



Pro per litigants are the largest segment of the Family Division Domestic Docket.

These litigants are loosely divided into 3 groups: (1) those who qualify for free legal services (2) those who do not qualify for legal services but are financially unable to hire counsel and (3) those who can afford counsel but, for various reasons, decide to try it alone.

The Monday motion dockets of the Family Division Referees largely consists of pro per litigants. The Referees hear domestic motions with respect to modifications of custody, parenting time, change of legal residence (domicile) and judgments of divorce both with children and without children.



Often the litigants have problems with service of process, statutory waiting periods, filing of defaults, child support, parenting time, pensions, 401K's, real estate, and, of course, the unexpected pregnancy. These and other issues cause delays and often multiple return to court dates.

The Court is sensitive to the issues that a lack of legal representation introduces to case resolution. Important issues that can effect parents and children forever are at stake.

Legal Services of Eastern Michigan (LSEM), through Executive Director Jill Nylander and Pro Bono Coordinator Julie Nichols stepped forward with a proposal to help those *qualifying* pro per litigants navigate through the court system.

Beginning January 29, 2018, Legal Services of Eastern Michigan has provided staff attorneys to assist those pro per litigants who *qualify*. Office space adjacent to the hearing rooms has been made available.

Legal Services attorneys are able to consult with eligible clients. The initial results are very promising and have already reduced adjournments to resolve minor questions or issues with proposed documents.

There is a second phase to the pro bono assistance "program" that will involve pro bono attorney consultations with members of the Genesee County Bar Association.

We have been in discussions with the Family Law Committee Chair

and President Elect Jessica Hammon about this second phase initiative.

An outline of the plan would have volunteer attorneys at the Court on a weekly basis, probably Tuesday or Wednesday afternoon, to consult with pro per litigants who do not qualify for LSEM services.

The Court appreciates the help afforded by Legal Services of Eastern Michigan and Genesee County Bar Association members for their willingness to step in and stand up to assist the unrepresented litigants.

-mk



• FOC Referee Shelley Spivack was the featured speaker at the GCBA Monthly Luncheon on March 19, 2018. Her topic - Arts in Detention. The remarks showcased the arts initiative with youth in detention at the Genesee Valley Regional Center (GVRC).

• Welcome to Judge Celeste D. Bell, newest Circuit Court Judge. Judge Bell is assigned to the criminal-civil division

of the court. Also welcome to Melanie Szeglowksi, judicial secretary to Judge Bell and Robert St. Cin, judicial advisory assistant.

• The *Permanency Indicators Report* (PIR) is reviewed monthly and reported annually to SCAO in March of each year. The PIR is an eleven part report that captures specific statistical information and data to determine compliance with statutes and court rules. The following staff update the relevant data and

review historical information monthly: Lisa Flora, Debra Gray, Karima McCain, Gail Redmond and Fredericka Savage.

• MyCity magazine, March 2018 edition, included an article entitled "Paving the Way" about the judicial career of Judge Judith A. Fullerton. It shares her personal views on what qualities it takes to get the job done, as well as reflections on her past, present and future. Congratulations to Judge Fullerton.

## JUDGE CELESTE D. BELL WELCOMED TO CIRCUIT COURT



Judge Celeste D. Bell was sworn in by Chief Judge Richard B. Yuille on March 6, 2018 in Harris Auditorium. She was joined by family members, judicial colleagues, county officials, attorneys, friends and other well-wishers.

Remarks were offered by Ward Chapman, retired Genesee County Corporation Counsel. Mr. Chapman hired Judge Bell as an assistant corporation counsel. Chris Swanson, Undersheriff, Office of the Genesee County Sheriff, and Archie L. Hayman, retired judge and now practicing attorney, also shared their thoughts on the Bell investiture.

The invocation for the ceremony was offered by Commissioner Brenda Clack.

# MSU LAW SCHOOL INTERNS

On August 8, 2017 the 7th Circuit Court- Family Division Referee Office was approved by then Director of Externships at the Michigan State University College of Law (MSU-Law) Externship Program, Professor Rosa, as a site for the law school's Externship Program.

The program is now run by Professor Veronica McNally. The Externship Program is part of MSU Law's academic curriculum. It affords law students the opportunity to learn in both the classroom and a legal setting.

MSU Law's Externship Program is governed by (1) the American Bar Association Standards and Rules of Procedure for Approval of Law Schools Rule 304, Simulation Courses, Law Clinics, Field Placements and (2) the MSU College of Law's Externship Policy.

These standards, procedures and policies ensure that a particular externship site will afford the law student the opportunity to acquire knowledge of the legal process and practice, enhance professional skills, improve legal research and writing skills, and enhance his/her knowledge of professionalism and professional responsibility in the legal community.

The Family Division Referee Office's site acceptance was the result of our site Supervisor,

Barbara Menear, demonstrating that our office could meet (or exceed) the high standards set by MSU Law for its student externs.

That is, that our office could provide an exceptional, practical learning experience for the aspiring attorney.

While the Family Division Referee Office utilized interns in the past, participation in MSU Law's externship program is a novelty.

Law students accepted by the Referee Office through MSU Law's Externship Program receive course credits for their experience, which was not available to former law interns we accepted.

MSU Law students must work a minimum of 10 to 12 hours per week over the 14-week semester in fall or spring, or the 10-week semester in summer. Credit is allocated based on the number of hours a student works during the semester.

Each student must elect either a 3-credit externship which requires 140 hours of work or a

6-credit externship which requires 280 hours of work. Our extern, Ms. Erica Porter, elected the 6-credit externship.

During the course of her externship Ms. Porter's assignments were varied and many.

One requirement of the program was that she work under the direct supervision of an attorney.

Under my direct supervision she was given assignments from each referee which ranged from observing court proceedings to drafting referee recommendations.

We were fortunate to have selected a

self-starter who took great initiative to identify areas of the law to research which she believed would benefit the referees.

Her research issues included analysis of the Michigan Medical Marihuana Act, MCL 333.26426 (2008) and its impact on custody and parenting time cases.

When asked about her experience in the Referee Office, Ms. Porter had this to say: "Working with the 7th Circuit

Court-Family Division Referee Office granted me a wealth of practical experience and I learned how many different areas of the law converge.

This exposed me to a wide array of procedural and legal concepts. I am eternally grateful to Ms. Menear, Referees Hood, Heath and Krellwitz and Administrative Secretary to the referees, Christine Vliet, for such an invaluable opportunity".

In closing, the Family Division Referee Office's participation in the MSU-Law Externship Program has proven to be beneficial to both the law student and the referees.

Now that we are an approved MSU Law externship site, we look forward to receiving and guiding more law students in their quest to become outstanding lawyers and assets to both the legal community and the community at large. —mh



Left to Right: Referee Mary Hood, Erica Porter, Referee Arianna Heath, Not pictured: Referee Mike Krellwitz



# EMPLOYEE SPOTLIGHT

**Steven Simmons** joined Judge Newblatt's office as a judicial advisory assistant in January. He is a graduate of Kalamazoo College and MSU College of Law. Between his studies Steve worked in Battle Creek and Detroit with AmeriCorps VISTA program. Steve is a resident of Lansing.



Left to Right: Left to right Steven Simmons, Michelle Orvis, Robert St. Cin, Melanie Szelogowski, Aimee Applebee, Goldie Drake

**Michelle Orvis** joined Circuit Court in the ADR office on February 14. She comes to us with a seasoned legal background with prior experience as a legal assistant in civil litigation with both plaintiff and defense firms. She is also a certified electronic recorder. Michelle has a bachelor's degree in public relations/marketing from Spring Arbor University. She is married with two children.

**Robert St. Cin** began working for Judge Bell as a judicial advisory assistant on March 19. He and his wife reside in Grand Blanc.

Rob graduated from U of M-Flint. Before graduation

from Cooley Law School, he interned with Judge Farah. Rob is excited to work and serve his home community.

**Melanie Szelogowski** lives in Chesaning with her husband and daughter. She previously worked as a paralegal for Genesee County in the Drug Court Program and in the Office of Corporation Counsel. Most recently she worked with Shiawassee Friend of the Court. Judge Bell asked her to be her judicial secretary, she accepted and began work on February 16th.

**Aimee Applebee** is married with two children. She resides in Grand Blanc where her husband is a high school teacher. She has a bachelor's degree from CMU. Her previous career was in the senior living industry. Aimee joined Probate Court on March 7th.

**Goldie Drake** attained an Associates Degree in liberal arts from Oakland Community College. She grew up in the Columbiaville and Flint areas. She has experience in the clerical and pharmaceutical fields. She joined Probate Court on January 17th.

**Melissa Buck** started with the FOC on January 17th as an enforcement caseworker assigned to Judge Theile. Melissa is originally from Wisconsin and moved to Michigan in 2001. She is a retired firefighter and certified EMT. Prior to working for the Friend of the Court she worked for Swartz Ambulance.

**Hollie Halberstadt-Greene** joined FOC on February 14th as a program clerk assigned to the enforcement unit. She previously worked as a contract support associate for Diplomat. —sc



Left to Right: Left to right Melissa Buck, Hollie Halberstadt-Greene

## WORD SEARCH

D	P	R	E	J	U	D	I	C	E
E	R	O	B	E	H	A	O	S	X
F	O	E	G	D	U	J	U	R	Y
E	S	S	U	B	P	O	E	N	A
N	E	B	W	M	H	N	P	B	K
D	C	A	T	T	O	R	N	E	Y
A	U	Q	R	I	M	R	Z	N	E
N	T	U	G	L	I	V	I	C	O
T	O	G	A	V	E	L	D	H	L
C	R	H	T	C	I	D	R	E	V

- ATTORNEY
- BENCH
- CIVIL
- COURTHOUSE
- DEFENDANT
- GAVEL
- JUDGE
- JURY
- PREJUDICE
- PROSECUTOR
- ROBE
- SUBPOENA

# A STEP FORWARD AND A LOOK BACK (CONT'D)

The judicial time associated with case management on the capital cases is substantial and detracts from the time available for other cases.

Adding a judge to the criminal civil division will increase the number of jurists who will be able to take an active role in addressing serious cases.

Likewise, new civil cases arising from allegations regarding water quality in the City of Flint have exceeded 500 and are all assigned to me.

The Michigan Supreme Court adopted MSC Administrative Order 2016-1, at the request of the Genesee County Circuit Court, permitting these cases to be submitted electronically and managed in the same manner.

This permission was given on an extremely expedited basis and required the Justices of the Michigan Supreme Court to authorize this case management approach, in advance of the future statewide rollout of e-filing for all courts.

Because of the number of water cases, I have been removed from the blind draw for all other civil cases since October 31, 2016. With my removal from the blind draw, the other 4 civil-criminal division judges are assigned to all other civil filings.

Judge Fullerton has been assigned to the *Legionnaires* cases. At the present time, there are 16 cases.

The Business Court filings, also assigned to Judge Fullerton, have increased 60% from 2016 to 2017. The Business Court cases often include a request for injunctive relief or an expedited hearing that may take multiple hearing days to complete.

In the Family Division, both divorce cases with and without minor children have experienced a slight decline in filings. The paternity and support cases experienced more significant declines. Juvenile delinquency petitions were also down 5%. Neglect petitions increased 15%.

In reviewing the court caseload from 1999, one year after the creation of Family Division, there were 1377 new divorce filings with minor children (DM). In 2017 there were 768. The divorce cases without minor children (DO) filings were 1241 cases in 1999. In 2017 there were 852. Paternity cases went from 1755 to 867. Support cases went from 1634 to 923.

Case filings are but one component of the analysis. There are case types in both divisions of the court that require more time and attention from a judge.

Specialty Courts have introduced different approaches to case management. While progressive and innovative, they take a judge out of a more traditional role and involve setting time aside to be fully committed.

parents have their parental rights terminated.

On January 1, 2015, the law changed to permit a felony plea to be taken in the district court. The cases are bound over to circuit court for sentencing.

67<sup>th</sup> District Court Judges accepted 551 felony guilty pleas in 2017. Once the circuit judge imposes sentence, the case remains with the circuit judge for any probation violations that may arise or other post-conviction proceedings. The assistance by the 67<sup>th</sup> District Court Judges is appreciated.

I also want to acknowledge Judge Newblatt for his service as Presiding Judge of the Family Division.

With his departure, I have appointed Judge John A. Gadola as Presiding Judge, Family Division. I am confident that he will continue to provide leadership on issues of importance to children and families in this community.

As I stated at the recent investiture of Judge Celeste D. Bell, we have a talented group of judges and it is a pleasure to be the Chief Judge for the Courts of Genesee County. - cjrby



I want to acknowledge the contribution of the Attorney Referees, in both domestic and juvenile proceedings. An unrepresented domestic litigant is present in >50% of the new filings. For the most part, these cases start with referees and only reach a judge later in the life of the case.

Personal protection order filings were up 2% for domestic PPOs and up 29% for non-domestic PPOs.

I want to thank Probate Court Judge Jennie Barkey for her ongoing support to the Family Division Judges. She presides over the adoption docket and the majority of the post termination review docket, designed to insure that permanent placement is identified as soon as possible for children whose



# CALLING ALL RETIRED ATTORNEYS

## -CIRCUIT COURT INFORMATION DESK-

The Circuit Court Information Desk is a volunteer opportunity for retired attorneys to keep in touch with colleagues and provide a valuable service to the Court.

Attorney Tim Ruwart is now volunteering his services 1/2 day per week at the Information Desk. Having sat with Tim as he learned the ropes, I can tell you that he is a perfect fit for the job.

Most court users need simple directions and a person to greet them. There are others

that take some questioning to figure out exactly what they are trying to accomplish and whether they are in the correct location.

We provide the training, parking, a cup of coffee and our thanks. Semi-retired or retired attorneys are needed. Bring a suitable friend, it can be done as a team.

Please contact Barbara Menear, Court Administrator, [bmene-ar@co.genesee.mi.us](mailto:bmene-ar@co.genesee.mi.us) or 810.424.4355



V	E	R	D	I	C	T	H	R	C
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★ *Read All About It* ★

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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](mailto:hearsay@7thcircuitcourt.com)