

INSIDE THIS ISSUE:

| | |
|--------------------------------|---|
| THE CHIEF SPEAKS | 2 |
| ADMINISTRATOR CORNER | 3 |
| "ASK THE JUDGE" | 3 |
| JUDICIAL SECRETARIES | 4 |
| COURT BRIEFS | 4 |
| GENESEE LIVING | 5 |
| FINANCIAL DIVISION | 6 |
| EMPLOYEE SPOTLIGHT | 7 |
| REFEREE OFFICE IMPROVEMENTS | 8 |
| APRIL FOOL'S | 9 |

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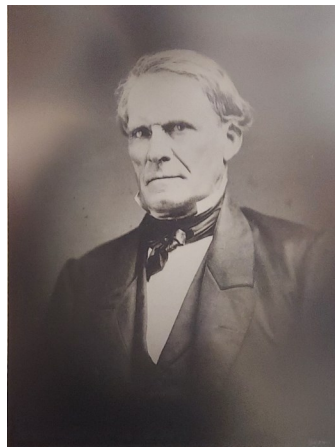
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CHIEF JUDGE

Duncan M. Beagle



HISTORY OF THE PROBATE AND CIRCUIT COURTS IN GENESEE COUNTY AND OTHER ELECTED OFFICES



Judge Samuel Rice

The **Probate Court** was the first court organized in the county. It was a court of importance to early settlers since the succession of land and property ownership was of great concern. Settlement of the territory comprising Genesee County began around 1819.

The first Judge of Probate was Samuel Rice in 1836. The first will was admitted to probate on December 5, 1836, after an anticipated contested hearing whose witnesses did not appear. The one witness who did appear testified to the validity of the will and it was admitted.

The position of probate register has an interesting history that is too lengthy to completely share in this article. Michigan was part of the Northwest Territory. It was separated and became the Territory of Michigan in 1805. There was a provision in the territorial district

court which gave probate jurisdiction to the "clerk of the court" or any Judge in the Territory.

The problem was that there were no probate judges, as we know them, in each of the districts. Organizing the country and its judiciary must have been a daunting process, given to organizational modifications as it developed.

It was not until 1811 that a new probate law was established which provided for a register in each district. The register also had responsibility for recording land conveyances.

In July 1818, acts were adopted which form the basis of our current system. Probate Judges were appointed by the territorial governor and the probate judge appointed the probate register. The first laws of the Northwest territory were based on law of Pennsylvania which provided a probate court in each county.

The Circuit Court

By act of the territorial legislature, Genesee was established as a separate county on March 28, 1835. For judicial purposes, it remained attached to Oakland County.

On March 8, 1836, Genesee became organized as a county and the first officers were elected on August 22, 1836.

The first associate judges were Jeremiah R. Smith and Asa Bishop. The first term of court was held in February 1837, the Honorable George Morrell presiding. Morrell was the second Justice of the Michigan Supreme Court.

Interesting side note: Justice Morell was the 9th territorial justice appointed by President Andrew Jackson in 1832, serving in multiple counties north of Wayne County and then served the State of Michigan as a Justice of the Michigan Supreme Court from 1836-1843.

Morrell was said to have written out all his opinions by hand. There was no official reporter for many years. When one was appointed, it was determined that most opinions had been oral or notes lost.

A full series of the Morrell opinions were found. The reporter was reluctant to publish them all since others were not available.

The first Genesee County Circuit Court case was an appeal from the justice court over an award of \$5.63. The case was reversed and judgment entered for the Defendant in the amount of \$16.00.

THE CHIEF SPEAKS

In this edition, *Hearsay* is speaking to the Chief, instead of the Chief speaking to us.

Over the years, the Charlie Brown beagle has appeared on many cards sent by the Chief, purchased on mugs, notecards, sticky notes, attire and various other items. All brought a smile to others.

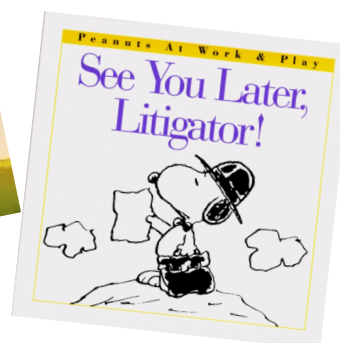
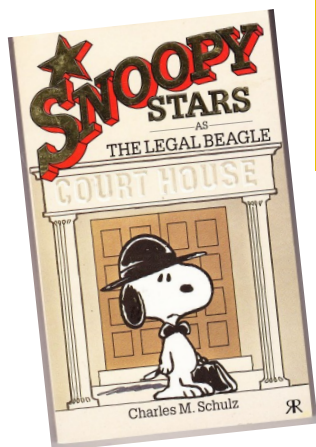
It is our turn to make him smile!



ODE TO THE CHIEF

There once was a judge named Beagle.
He worked with commitment and zeal.
He presided, decided, and approved all good deals.
His efforts were exhausting. His body cried foul.
His absence we could not understand.
He has to return, he's gotta return, the crowd lifted up a great howl.
A tune up was done, a look under the hood and the soul of the bench
marches on.

IO TRIUMPHE/Anonymous



ADMINISTRATOR CORNER

Circuit Court Caseload Report

| | 2018 | 2019 | 2020 | 2021 |
|-------------------------------------|---------------|---------------|--------------|--------------|
| Civil Filings | 1,274 | 1,212 | 1,031 | 1,148 |
| Criminal Filings | 1,884 | 1,914 | 1,120 | 1,705 |
| Appeals, Admin. Review & Writs | 84 | 84 | 59 | 93 |
| Total Non-Family Filings | 3,242 | 3,210 | 2,210 | 2,946 |
| Domestic Relations Filings | 3,941 | 3,846 | 4,034 | 3,484 |
| Personal Protection | 1,807 | 1,591 | 1,074 | 1,426 |
| Juvenile Code Filings | 1,169 | 1,332 | 815 | 855 |
| Adoption Filings | 139 | 131 | 89 | 97 |
| Misc. Family Filings | 160 | 132 | 89 | 174 |
| Total Family Filings | 7,216 | 7,032 | 6,101 | 6,036 |
| Grand Total Filings | 10,458 | 10,242 | 8,311 | 8,982 |

Probate Court Caseload Report

| | 2018 | 2019 | 2020 | 2021 |
|---------------------------------------------|--------------|--------------|--------------|--------------|
| Estate/Trust Filings | 1,322 | 1,232 | 1,092 | 1,567 |
| Civil/Other Filings | 47 | 37 | 38 | 86 |
| Guardianship/ Conservatorship | 1,075 | 1,139 | 874 | 991 |
| Mental Filings | 1,080 | 1,115 | 930 | 1,037 |
| Total Filings | 3,524 | 3,523 | 2,934 | 3,681 |
| Wills for Safekeeping/ Delivered | 632 | 661 | 361 | 455 |



GOOD SAMARITAN LAWS



67th District Court
Judge Mark C.
McCabe writes
“Ask the Judge” for
the *Tri-County Times*.

Good Samaritan Laws appeared in the March 1st 2022 edition.

The story of the Good Samaritan comes to us from the bible. It involves a traveler from the region of Samaria who, out of the goodness of his heart, stopped on a road to help a stranger who had been beaten and robbed.

Fast forward to today and, based on the story, we have what are commonly called, “Good Samaritan” laws.

These laws generally provide that if a person acts in good faith to assist someone in need of emergency care, they will not have civil liability if their actions cause further harm.

Every state and the District of Columbia has a version of this law.

Michigan’s law protects a wide range of individuals from liability

when they help another in specified emergency situations as long as they aren’t “grossly negligent” or engage in “willful or wanton misconduct.”

Michigan’s original law took effect in 1963.

There is another type of Good Samaritan law, which protects individuals from criminal liability when they call 911 or are presented for medical care re-

garding a suspected drug overdose.

These laws have come into effect more recently with New Mexico being the first state to enact its statute in 2007.

As of 2021, 47 states and the District of Columbia have such laws, including Michigan. Ours was enacted in 2016.

Michigan’s statute protects both the individual who overdosed and the individual who seeks help for them.

As to the overdosed individual, for immunity it must be shown that they were incapacitated because of a drug overdose when presented for care and they possess or possessed drugs in an amount sufficient only for personal use.

For the individual who seeks help for the one who overdosed, any evidence of their possession of drugs obtained as a result of their help is not to be considered a violation of the drug possession law.

The rationale for all Good Samaritan laws is to encourage people to help other people and to protect and save lives.

In 1964, singer Barbara Streisand released the song “People.” The opening lines are “People who need people are the luckiest people in the world.”

I believe these lyrics represent what Good Samaritan laws are all about for both the people who are helped and those rendering the aid.

REFLECTIONS OF A JUDICIAL SECRETARY

Being more than just a friendly welcoming face of the judicial office, judicial secretaries at the Circuit Court help keep the offices running smoothly.

Covid-19, as is true for many others, has changed the way things are done. The biggest obstacle faced was having to spend large amounts of time scheduling and re-scheduling hearings. Some hearings would be held in person, others by zoom and all changes had to take into consideration the schedule of other judges.

With the addition of hearings via zoom, concerns for parties and attorneys being able to connect to the court event was paramount. Often, attorneys would be involved with a zoom

court hearing in another courtroom and delay was required. During the long periods of time when the court was not fully open for in person hearings, close communication with the judge was required to determine which cases required an in-person court proceeding and which were permitted to be conducted by zoom.

There was a substantial uptick in the level of communication required with adult probation agents, prisons, law enforcement, prosecutors, jail, defense attorneys and the public. It was often a challenge to determine how the court would be operating when a scheduled court event would be held. Communicating by email and telephone took on increased fre-

quency. There were mail delays, both in receiving incoming mail and getting timely notices of court events to parties and counsel.

If we have learned anything from the challenge and changes of the last 2 years, it is patience. There were times when cases had to be added to or removed from dockets at the last minute to accommodate the circumstances presented.

Even with all of the changes faced, the judicial secretaries keep a positive mindset and a friendly attitude to assist the judges with the challenging business of the Circuit Court. -mb/sy



- Thanks to Building and Grounds for helping on the Referee Office upgrade and getting the trees trimmed on the Courthouse Square. It is appreciated!
- Once again, Doreen Fulcher knocked it out of the park

with the St. Patrick's Day decorations in the 2nd floor display cases. Many thanks.

- Thanks to the attorneys who participate on the case evaluation panels. We have 85 attorneys who assist with civil case resolution. The sessions have

been in person, on zoom and now back to in person. The work is appreciated and continues. -bam

geneseeLIVING

Fredricka Savage is the columnist for geneseeLIVING

There may be an argument over what will happen over Daylight Saving Time, but what we do know is that spring is coming soon! Longer days means more time to enjoy some of the outdoor activities Genesee County has to offer.

SPRING BREAK OUTDOOR FAMILY NIGHT (For-Mar)

2142 N. Genesee Rd. Burton, MI 48502
April 1, 2022
6:30 - 8:30 p.m.
Price: \$15 per family

BLACK POWER MIX TAPE

4601 Clio Rd. Flint, MI 48504
April 2, 2022
2-4 p.m.
Price: Free

COMMUNITY GALA PRESENTED BY: FLINT INSTITUTE OF ARTS (FIA)

1120 E. Kearsley Street, Flint, MI 48503
Dates: April 2, 2022
6-9 P.M.
Price: Reservations In Advance/At the Door FIA Members \$40/\$60 Non-members \$55/\$75

FLINT HOME & GARDEN EXPO

Presented By: Dort Financial Center
3501 Lapeer Road, Flint, MI 48503
Dates: 4/2/2022, 4/3/2022
Hours: Saturday: 10 am - 6 pm; Sunday: 11 am - 4 pm
Price: Adult admission (ages 13 and over) is \$7; senior admission is \$6 (ages 55 and over); and children 12 and under get in free! Parking is free!

KNEE-HIGH NATURAL-

IST: READY, SET, GROW!

Presented By: Genesee County Parks & Recreation Commission
2142 N. Genesee Road, Burton, MI 48509
Dates: April 6, 2022
Event times are: 10-11:30 a.m. or 1-2:30 p.m.
Suggested for ages 3 to 6
Cost: \$5 per student Pre-registration is required by 4/5/22.
Adult must accompany children

ADULT 21+ GOLDEN TICKET EGG HUNT

Presented By: Creasey Bicentennial Park - Grand Blanc Parks & Recreation
1505 E. Grand Blanc Road, Grand Blanc, MI 48439
Price: \$15

TYLER RICH TWO THOUSAND (MORE) MILES TOUR

Presented By: The Machine Shop Concert Lounge
3539 Dort Highway, Flint, MI 48507
Dates: April 8, 2022
7:00 PM

FUNNY ASF COMEDY SHOW

Presented By: The Capitol Theatre
140 E. Second Street, Flint, MI 48502
Dates: April 9, 2022
7:30 PM

GLOW IN THE DARK EGG HUNT

Presented By: Creasey Bicentennial Park - Grand Blanc Parks & Recreation
1505 E. Grand Blanc Road, Grand Blanc, MI 48439
Dates: April 9, 2022
7:00 PM to 10:00 PM

NATURE PHOTOGRAPHY - MACRO HOW TO SESSION

(For-Mar) Presented By: Genesee County Parks & Recreation Commission
2142 N. Genesee Road, Burton, MI 48509
Dates: April 9, 2022

2:00 PM to 4:00 PM

WEDNESDAY 13 - TWENTY YEARS OF FEAR

Presented By: The Machine Shop Concert Lounge
3539 Dort Highway, Flint, MI 48507
Dates: April 9, 2022
7:00 PM
Price: \$15.00 in advance

FLINT UNITED VS LONDON LIGHTNING

Presented By: Flint United Basketball Club
3501 Lapeer Rd., Flint, MI 48503
Dates: April 10, 2022
3:00 PM

READY, GROW! HERBAL SKIN CARE AND GIFTS

Presented By: Genesee County Parks & Recreation Commission
2142 N. Genesee Road, Burton, MI 48509
Dates: April 10, 2022
11:00 AM to 12:30 PM
Recommended for ages 5 & older, great for kids and adults.
Cost: \$5 per participant
Pre-registration is required by 4/9/22

MIX & MINGLE UNDER THE STARS

Presented By: Sloan Longway
1310 E. Kearsley Street, Flint, MI 48503
Dates: April 13, 2022
5:30 PM to 8:00 PM

READY, GROW! GARDEN EGG HUNT & NATURAL DYES

Presented By: Genesee County Parks & Recreation Commission
2142 N. Genesee Road, Burton, MI 48509
Dates: April 16, 2022
1:00 PM to 2:30 PM

HOT WHEELS™: RACE TO WIN™

Presented By: Sloan Museum
4190 E. Court St., Flint, MI

48509

Dates: February 5, 2022 - May 15, 2022
Price: General Admission with Traveling Exhibit for Non-Genesee County Residents: Adult - \$9.00; Child (2-11) - \$7.00; Child (Under 2) - Free; Senior- \$8.00 General Admission with Traveling Exhibit for Genesee County Residents: Adult - \$3.00; Child (2-11) - \$3.00; Child (Under 2) - Free; Senior- \$3.00

JERSEY BOYS (The Whiting)

1241 E. Kearsley Street, Flint, MI 48503
Dates: April 20, 2022
8:00 PM

OUTDOOR EXPLORERS & #8211; EXPLORE EARTH DAY

Presented By: Genesee County Parks & Recreation Commission
2142 N. Genesee Road, Burton, MI 48509
Event times: 10-11:30 a.m. or 1-2:30 p.m.
Cost: \$5 per student Pre-registration required by 4/19/22

ADULT NITE SKATE

5315 S. Saginaw Street, Flint, MI 48507
Recurrence: Recurring weekly on Friday
9:30 PM to 12:00 AM
Every Friday night from 9:30 p.m. until midnight, adults 18 and older, can skate to 80's, 90's & 2K tunes. Admission includes skate/blade rental. Laser tag available to purchase as well.

DRAG QUEEN GAME NIGHT & FENECH FEUD

Presented By: Sloan Museum
4190 E. Court Street, Burton, MI 48509
Dates: April 23, 2022
6:00 PM to 11:00 PM

SUNDAY STROLL: IRON BELLE TRAIL

Presented By: Genesee County

(Continued on page 6)

geneseeLIVING (CONT'D)

(Continued from page 5)

Parks & Recreation Commission
5045 Stanley Road, MI
Dates: April 24, 2022
2:00 PM to 3:30 PM
Cost: Free - Pre-registration is required by 4/23/2022

48507
Dates: April 26, 2022
7:00 PM
10 Years with special guest
Black Map and VRSTY
Must be 18 or older to attend
Price: \$20.00 in advance

10 YEARS - Presented By: The
Machine Shop Concert Lounge
3539 Dort Highway, Flint, MI

SOUTHERN FRIED FUNER-
AL - Presented By: Fenton Vil-
lage Players

14197 Torrey Road, Fenton, MI
48430
Dates: April 29, 2022 - May 1,
2022
Performances begin Friday and
Saturday at 7 p.m. and Sunday
at 2
p.m.



MULTI-TASKING IN THE FINANCIAL DIVISION

The Financial Division of the Circuit Court is charged with developing best practices related to financial operations in four (4) separate areas.

The responsibilities include: (1) trial court collections of assessments that are imposed by a judgment of sentence (2) accounts payable for various expenses incurred such as the legal research contract, appellate and family division attorney fees, supplies and other operational expenses (3) financial reporting for grants management and (4) budget and strategic planning.

More recently added services include: (1) becoming the location for payment of witness fees in criminal cases and (2) making the kiosk in the jury office fully operational.

Paying witness fees was formerly done by the Genesee County Treasurer, which

required witnesses to go from the McCree Budling or the Courthouse to the Genesee County Administration Building.

A member of the Genesee County Prosecutor's Office suggested to the Circuit Court Administrator that consideration be given to working out a method by which witnesses fees could be paid within the Courthouse at the Reimbursement Office.

The idea had to be cooperatively pursued between multiple county departments, but it was accomplished.

Likewise, having jurors check in and out at a kiosk and then paid for their service in cash, as opposed to waiting 2-3 weeks for a check has finally been accomplished.

Audit records must be maintained as to amounts disbursed and days of service

paid. This was a value-added project taken on by the court financial director, James Terry, with assistance from the court technology coordinator, David Combs, and jury supervisor, Christine Greig.

We have reason to believe that Genesee County Circuit Court is the only court in the state paying juror fees in cash. Jurors seem to appreciate the cash option. A check can still be requested.

The collection team in the reimbursement office accepts payments in person and on-line, sets up payment plans, pursues delinquent assessments and disburses court ordered restitution to victims.

In each case where a defendant is sentenced to a term of imprisonment with the Michigan Department of Corrections, an order is signed authorizing the prison to withhold certain funds

from the inmate's account. The funds withheld are forwarded back to the court to be applied to outstanding assessments.

The combined operational budget of the court is approximately \$22 million. This includes grant funding from the Michigan Supreme Court for the support of specialty courts, in addition to other state and federal grants which support a variety of court programming.

The court financial director is responsible for the financial reporting associated with 11 separate grants.

The annual operational budget for the Court consists primarily of local funding (county general fund) allocated by the Genesee County Board of Commissioners. -jt



EMPLOYEE SPOTLIGHT



Left to Right: Pedro Berlanga, Pfeiffer Neubert, Bianca Ives

Circuit Court
Pedro Berlanga is the judicial advisory assistant for Judge Elizabeth A. Kelly. Pedro graduated from University of Michigan-Flint and received his law degree from Michigan State University College of Law.

Bianca Ives is the judicial advisory assistant for Judge David J. Newblatt. Bianca graduated from Penn State University and received her law degree from Thomas M. Cooley Law School.



Left to Right: Jordyn Vanover, Erica Edmundson, Sharayah Wilson

Pfeiffer Neubert is the judicial advisory assistant for Judge Mark W. Latchana. Pfeiffer graduated from Manchester University and received her law

degree from Michigan State University College of Law

Meghan Oakley (not pictured) is a part-time special assignment judicial advisory assistant. Meghan is a 2nd year law student at the University of Detroit Mercy School of Law and will be initially assisting Judge Kelly.

Friend of the Court
Erica Edmundson is a program clerk for the Friend of the Court. Erica formerly worked for Mid-Michigan Pain Management Center.

Jordan Vanover is a program clerk for the Friend of the Court. Jordan formerly worked for GCCARD.

Sharayah Wilson is a program clerk for the Friend of the Court. Sharayah formerly worked for Lockwood of Genesee.



Left to Right: Jill Nielsen, Kasey Setlock

Probate Court
Jill Nielsen is a deputy register for the Probate Court. Jill formerly worked in the banking/financial industry.

Kasey Setlock is a part-time judicial advisory assistant. She is a 1st year law student at Wayne State University and will be assisting Judge Farah.

Peggy West (not pictured) is a deputy register for the Probate Court. Peggy formerly worked for Genesee County Clerk Vital Records division. -js



FAMILY DIVISION REFEREE OFFICE IMPROVEMENTS

The family division referee space received a modest, yet operationally significant, upgrade.

Attorney Referee Mary Hood was the remaining referee without a private office. Attorney Referees Heath and Lanxton were moved to vacated space which permitted them to have a private office separate from a hearing room.

Referee Hood had a hearing room, serving the dual purpose of office and actual hearing room.

The addition of the office separate from the hearing room, allows the jurist to continue with

other work until the next hearing is ready to begin.

Parties, counsel and agency representatives often attend multiple hearings and may remain in the hearing room between cases.

Consequently, the hearing room is not ideal for completing paperwork required from previous hearings.

Attorney Referees are also required to draft complex recommendations for judges on domestic cases.

A private, but adjoining, office also addresses security concerns.

Below is also a photo of a former hearing room that was converted to a conference room. This will permit attorneys with clients, including Legal Services of Eastern Michigan, to have a confidential space to meet with eligible domestic litigants.

The Referee Office handles domestic cases primarily with self-represented litigants, in addition to juvenile matters.

Legal Services of Eastern Michigan has a longstanding relationship with the court which permits self-represented domestic litigants to confer with

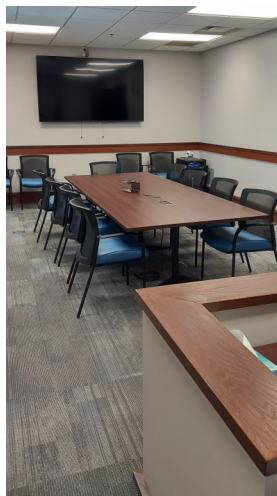
counsel to review filings that were made without benefit of legal representation. This manages the expectations of what will happen on court dates and ensure that the case is on track to be finalized in a timely manner.

On occasion, there are minor omissions in filings that still can prevent a case from being finalized.

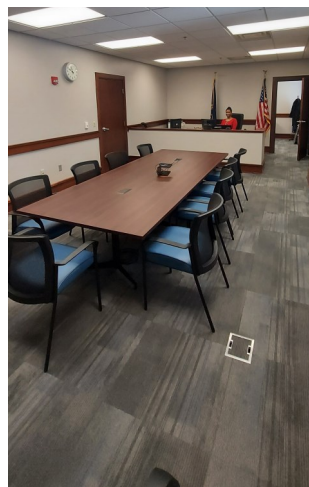
The goal of the court and *Legal Services* initiative is to limit the number of times that a party must return to court to finalize a case. –bam



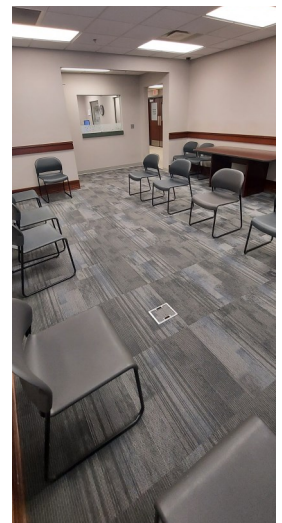
Conference Room



Hearing Room



Hearing Room



Waiting Room



WHAT IS THE ORIGIN OF APRIL FOOL'S DAY?

I imagine we all remember someone in our family or a friend that seemed to relish in a silly and often repeated trick on April 1st. There is a spider on your shoulder, or something is in your food, are among the common examples.

With the advent of photo-shopping and other sophisticated technology to assist, the tricks can be even more elaborate.

There is not one accepted origin of *April Fool's Day*. Some have cited the switch from the Julian calendar to the Gregorian calendar. In the Julian calendar, the spring equinox began around April 1. People who were slow to get the news and still celebrated the start of the new year on April 1 were said to be "April fools."

Some pranks such as placing paper fish on their backs to symbolize an easily caught fish or a gullible person have been noted.

Yet another origin is to point to the changing weather around the vernal equinox in the northern hemisphere. It would be the "I fooled you to think it was really spring" kind of fleeting weather that can be experienced.

Throughout Great Britain during the 18th century, there was a 2-day event. The first day people were sent on phony errands and the second day involved having paper tails or kick me signs placed on backsides. – bam



HISTORY OF THE PROBATE AND CIRCUIT COURTS IN GENESEE COUNTY AND OTHER ELECTED OFFICES (CONT'D)

(Continued from page 1)

Why is the county clerk the custodian of court records for a circuit court?

The easy answer is that early judges rode the "circuit" which was a larger geographical area than just one territory or county. They rode on horseback.

The issue of where court files would be retained was critical and not amenable to the saddlebags of early jurists. The files stayed in the territory or county and judges came to the files.

The first county clerk took office in 1836. His name was Robert F. Stage. Stage was co-owner of the first general store in Flint. The first session of the circuit court was held in the upper story of the Stage & Wright general store.



Justice Charles D. Long
Photo Credit: Michigan Supreme Court
Historical Reference Guide
The Michigan Supreme Court Historical
Society, 1992



Located 2nd Floor Judicial Conference Room
Courthouse

rights as a Civil War veteran.

A restored oil painting of Justice Long hangs in the judicial conference room in the Genesee County Courthouse. It is the companion portrait to the official one which was commissioned by the Michigan Supreme Court.

The artist was Percy Ives, a very well-known portrait artist, who learned his craft from his father, William Ives. William Ives was one of the founders of the Detroit Institute of Arts.

of the Michigan Supreme Court (1888-1902).

The Prosecutor

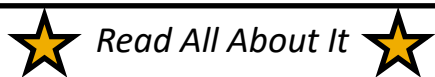
The first county prosecutor was Joseph Bugg (1850-1852). One of the other early elected prosecutors was Charles Dean Long, elected in 1874.

He was the first president of the Detroit College of Law (1891) and an Associate Justice

Justice Long enlisted in the 8th Michigan infantry and fought in the Civil War, losing an arm, and carrying a bullet in his leg for the rest of his life.

Long was involved in various legal battles over his pension

Another side note: the official portrait of Charles Dean Long shows his bow tie askance. The portrait given to his home county has a perfect bow tie. We will never know if there was any significance to the selections. –bam



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