

# lawmattersnow

common sense information for you

## Reducing Junk e-Mail (Spam)

The best weapon against spam is to use caution in giving your e-mail address at websites, chat rooms, newsgroups, message boards, mailing lists and other locations on the Internet that are accessible to people you don't know. Your personal information is valuable. Be alert and cautious about giving it to anyone. Spammers often get your e-mail address from public Internet sites where you unsuspectingly have provided your address. Your address is retrieved by sophisticated "harvesting" software, added to a database and sold by address brokers. With the speed and low cost of electronic communications, this process is a recipe for multiplying the amount of spam you receive.

To limit spam, the Federal Trade Commission (FTC) recommends that you:

1. Think about "masking" your e-mail address by putting a word or phrase in your e-mail address so that it will trick a harvesting computer program, but not a person. For example, if your e-mail address is "janedoe@myisp.com," you could mask it as "janedoe@spamout.myisp.com." Some newsgroup services or message boards will not allow you to mask your e-mail address and some harvesting programs may be able to pick out common masks.

2. Use a separate screen name for chatting. If you use chat rooms, use a screen name that's not associated with your e-mail address.
3. Set up disposable addresses. Use two e-mail addresses - one for personal messages and one for posting in public. Choose a disposable e-mail address service that creates separate email addresses that forward to your permanent account. If one of the disposable addresses begins to receive spam, you can shut it off without affecting your permanent address.
4. Use two e-mail accounts. If you work for a business or organization that wants to receive e-mail from the public, consider creating separate accounts or disposable e-mail addresses for that purpose, rather than having an employee's address posted in public.
5. Use a unique e-mail address, containing both letters and numbers. Report spam and make sure you include the full e-mail header. Send your spam to:

The Federal Trade Commission  
[https://rm.ftc.gov/pls/dod/wsolcq\\$.startup?Z\\_ORG\\_CODE=PU01](https://rm.ftc.gov/pls/dod/wsolcq$.startup?Z_ORG_CODE=PU01)

Visit the Attorney General's High Tech Crime Unit web page at <http://www.michigan.gov/ag/0,1607,7-164-17343-57953--,00.html> for more helpful tips.



The Law Offices of  
Peter R. Tochman

The Law Offices of  
Peter R. Tochman  
General Practice — Free phone  
consultations  
23625 Northwestern Hwy.  
Southfield, MI 48075-7711  
(248) 355-5020 or (313) 525-  
5256  
[prtochman@tochman.com](mailto:prtochman@tochman.com)

### Sources

State Bar of Michigan  
<http://www.michbar.org>

Attorney General of  
the State of Michigan  
<http://michigan.gov/ag/>

State Court Administrative Office  
<http://courts.michigan.gov/scao/>

United States Government  
Federal Trade Commission  
<http://www.ftc.gov/bcp/online/edcams/spam/index.html>

### What's Inside

page 2 - Filing a PPO  
page 3 - Sexual Harassment  
page 3 - Estate Planning  
page 4 - Legalese Translated

# Filing a Personal Protection Order (PPO)

By using a court packet you are representing yourself in a court action to get a personal protection order. In order to receive the protection or action you seek, you must follow the instructions in the booklet and on the forms. If you fail to do even one of the required steps, the order you get from the court could be ineffective and you could remain unprotected.

## *The three most important things you will have to do are:*

1. Get the order signed by the judge.
2. Provide legal notice of the court's order on the person to be restrained.
3. Follow up with the law enforcement agency; make sure the order was entered in LEIN.

## *Here are some things you may need before you fill out the forms:*

1. Forms and instructions.
2. Money to pay the costs of serving papers on the restrained person. Service may cost between \$10.00 and \$100.00.
3. Information about the person to be restrained such as name, date of birth, age, address, place of employment, physical description, etc.
4. Copies of divorce, annulment, separate maintenance, paternity, support, custody or any other judgments or orders involving you and the person you want restrained.

5. Notarized, written statements from witnesses if there are any.
6. Copies of supporting documents or materials (reports from police, social agencies, doctors, or hospitals) if there are any. This information is important for the judge in making a decision, but is not necessary for the judge to enter an order.

## *For an ex parte order (order without a hearing)*

1. Fill out the forms that apply to your situation using the instructions on the forms.
2. File the Petition and Order form with the county clerk. Take the forms to the circuit court clerk in the county where you live. Bring 3 sets of supporting documents. The clerk will return copies of both forms to you. Do not lose these copies.
3. Get the order signed. Ask the circuit court clerk for instructions to the judge's office. Go to the judge's office as soon as possible. Ask when to come back for the signed order.
4. Pick up the signed order from the judge. If the judge's office does not send the order to the circuit court clerk, go back to the judge's office on the day and time you were told to pick up the signed order. If the judge will not sign the order without a hearing, he or she must state the reasons in writing at that time. Ask for a copy of these written reasons. If you are told you can request a hearing and want to schedule one, return to the circuit court clerk to do so.
5. Return to the circuit court clerk.

Unless the order form was already sent to the clerk by the judge's office, return to the clerk's office. The circuit court will stamp the order, keep the original and a copy and return 4 copies to you. The clerk will send a true copy to the law enforcement agency. If you want to take the order to the law enforcement agency also, the clerk will make a true copy for you.

6. Serve the petition and signed order on the respondent. The respondent (person you want protection from) must be served (notified) as soon as possible: 1) by registered mail return receipt requested, with restricted delivery to the respondent; or 2) in person. You may serve the respondent by first class mail only if you get permission from the judge. After the respondent has been served, fill out the Proofs of Service. All copies must be notarized.
7. Call the police or sheriff to be sure they received the order and entered it onto LEIN. The order is enforceable as soon as it is signed by the judge.

**Excerpts taken from <http://courts.michigan.gov/scao/courtforms/personalprotectionorders/p02.pdf>**

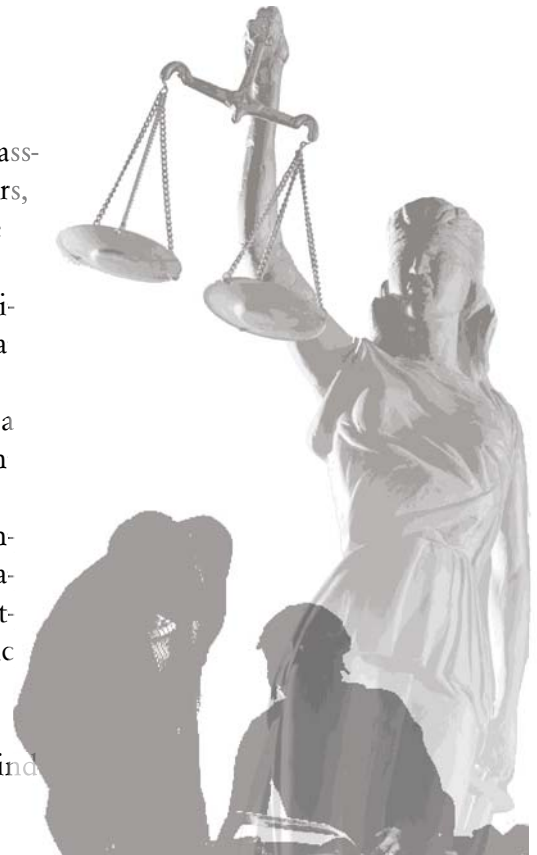


# Sexual Harassment

Michigan law says that discrimination because of sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal physical conduct or communication of a sexual nature when:

- Submission to the conduct or communication is made a term or condition to obtain employment, accommodations or public services, education, or housing.
- Submission to or rejection of the conduct or communication is used as a factor in decisions affecting the individual's employment, public accommodations or public services, education, or housing.
- Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education or housing, or creating an intimidating, hostile, or offensive employment, public accommodation, public services, education, or housing environment.

If you think you have been sexually harassed, contact your attorney to find out your rights and options. Don't be forced into going along with the crowd and accepting the sexual harassment.



# Estate Planning with Living Trusts

Making sure that your assets are managed in a way that you intend after your death or in the event you become incapacitated can be difficult. By using a trust, you can arrange for the management of your assets after death or during incapacity. It also alleviates the burden on your loved ones of dealing with complex administrative, legal, and investment issues during already difficult times. A trust has several other advantages, including avoiding the delays and expense of probate, maintaining privacy, saving estate taxes, and ensuring that your assets continue to be managed properly.

A family member, friend, professional, or a bank can serve as a trustee dur-

ing your life or after your death or incapacity. A trustee usually is not subject to court supervision, and a bond is only rarely required. Because of the varied challenges associated with this duty and the tremendous power a trustee is given, choosing a trustee requires careful consideration.

Just as important as selecting a good trustee is choosing an estate planning attorney. Well-chosen words can ensure that your unique intentions and planning objectives are met. It is advisable to contact an attorney experienced in estate planning. Your life insurance agent, financial planner, trust officer, and accountant can also assist you in the planning process. Together, this

team of experts can help you create the best estate plan for you and your family.

*The Probate and Estate Planning Section's pamphlet is available for purchase at the State Bar of Michigan <http://www.michbar.org/publications/home.cfm#booklets>*



Disclaimer: This newsletter is for general information only and focuses on broad legal principles and issues. It does not constitute legal advice, and it should not be acted on without legal advice. Legal advice may be given only on the basis of specific facts relayed by a client to an attorney. Contact an attorney regarding the specific facts of your situation. © copyright State Bar of Michigan all rights reserved. Redistribution or reproduction by any means is strictly prohibited. Reprints by permission only.

## Legalese Translated

*Brief* — A written argument submitted to the court by counsel setting forth facts and/or law supporting his or her client's case.

*Costs* — An allowance to the successful party in a litigation to reimburse him or her for the expenses of prosecuting or defending the suit; ordinarily does not include attorneys' fees.

*Cross-examination* — The questioning of a witness by the party opposed to the party who produced him or her to test the truth of the witness' testimony, to further develop it or to otherwise expand on it.

*Deposition* — Testimony of a witness given elsewhere than in open court, recorded and sworn to for use at the trial of the case.

*Intervention* — The method by which a third party becomes a party to a suit or action initiated between two other parties.

"A *Laypersons Guide To Legal Terms*" is available from the State Bar of Michigan's Programs and Services Division 517-346-6322. The publication is available for \$2.25 including shipping.

*Jury* — A given number of persons selected according to the law to determine issues of fact on the basis of evidence submitted to them.

*Preponderance of evidence* — The greater weight (in terms of quality not quantity) of evidence, or that evidence which is more believable and convincing.

*Probable cause* — A reasonable ground, established after investigation, for believing that facts exist warranting further proceedings.

*Retainer* — The act of employing an attorney; the initial fee the client pays an attorney to secure his or her services.

*Statute of limitation* — A statutory time limit on the right to seek relief in court for damages; providing that any claim for relief shall be barred unless begun within a specific period of time following the alleged wrong.

---

The Law Offices of  
Peter R. Tochman  
General Practice — Free phone  
consultations  
23625 Northwestern Hwy.  
Southfield, MI 48075-7711  
(248) 355-5020 or (313) 525-  
5256  
prtochman@tochman.com