

# endnotes

**Attachment** — The act of seizing a person or property so that the person or property is before the court, subject to its jurisdiction.

**Bail bond** — A financial obligation signed by the accused and those who serve as sureties to guarantee his or her future appearance in court.

**Cause** — A suit, litigation or action in a civil or criminal case.

**Commutation** — The reduction of a sentence, as from death to life imprisonment.

**Contempt of court** — An act which embarrasses, hinders, or obstructs a court in the administration of justice, or lessens its authority or dignity. Contempts are of two kinds: Direct contempts are committed in the view and presence of the court; indirect contempts are committed outside the presence of the court (usually a failure or refusal to obey a lawful court order).

*"A Layperson's 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.

## Legalese Translated

**Exception** — A formal objection to the court's ruling which implies the excepting party does not accept the court's ruling and will seek its reversal at a later time.

**Extradition** — The delivery to one state of a person accused or convicted of an offense committed within its jurisdiction by another state in which that person was apprehended.

**Guardian** — A person who has the legal duty and power to take care of the person and property of another who, because of some disability, usually age or incompetence, is considered incapable of administering his or her own affairs.

**Hearsay** — Secondhand evidence not arising from personal knowledge of the witness from repetition of what the witness has heard others say.

*(Reprinted from the State Bar of Michigan's "A Layperson's Guide to Legal Terms")*

# lawmattersnow

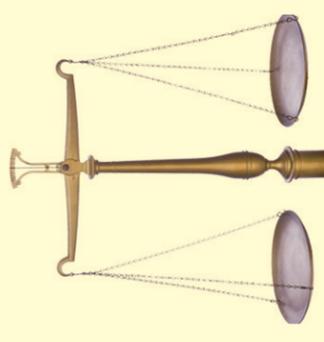
common sense information for you

## Starting a Business in Michigan

### Start-Up Checklist

- Determine the type of business structure your organization will assume.
- Register your business name.
- Determine if the business or profession is subject to any special licensing or permit requirements.
- Register for a federal employer identification number (EIN).
- Register with the IRS for payment of federal taxes.
- Register with the Michigan Department of Treasury for payment of state taxes.
- Decide whether the business will hire employees.
- Check all environmental regulations to ensure that the business meets air, water, and solid waste standards.
- Do you plan to purchase an existing business? Be aware of hidden liabilities.
- Carefully consider the business location. Is the operation consistent with current zoning and building codes?
- Make arrangements for utility service.
- Arrange for adequate business insurance.

*(Excerpts reprinted from Michigan Economic Development Corporation's "Guide to Starting a Business in Michigan")*



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### Sources

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

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

Michigan Economic Development  
Corporation  
<http://medc.michigan.org/services/startups/?m=12;7>

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*Justice depends on you*

You have been called to serve as a juror. Nothing can be asked to do is more important. You will help to decide what happens to the liberty or property of other people. You will want to do your best to assure that the jury on which you sit returns an impartial verdict. Your part as a juror is vital. You and your fellow jurors will decide all disputed questions of fact. The judge who presides over the trial will decide the technical questions of law, but you will have to consider all the evidence and determine what the facts of the case really are. Then you will apply the law (as explained by the judge at the end of the trial) to the facts that you have determined and decide the case. In other words, you, the jury—not the judge, not “the system”—will decide the case.

### Jury Selection

You and the others on the jury panel were selected at random to be called for jury duty. Names are drawn at random from the jury panel, and those who are called take seats in the jury box. The judge will make a short statement telling you what the case is about. Then the judge or attorneys will question each of you to see whether there is any reason why you cannot be a fair and impartial juror in that case. This is called the *voir dire* examination.

You should answer these questions fully and frankly, and if for any reason you feel that you should not serve as a juror in the case, you should say so and tell why. When both sides are finished with their challenges, the jurors who have been seated are sworn to try the case.

### Discussing The Case

Your decision as a juror must be based only on the evidence submitted during the trial and the law as explained by the judge. Evidence is the testimony of witnesses, the exhibits, and any stipulations. Accordingly, you should not talk about the case during the trial with anyone—

## Your Role as a Juror



family members, friends, strangers, attorneys, witnesses, even other jurors—not should you remain in the presence of others who are discussing it. If anyone tries to talk to you about the case, say that you are a juror and cannot discuss it. If the person persists, report it to the judge at the first opportunity. When the trial is over, you may, if you wish, discuss the case with anyone.

### Jury Secrecy

The jurors deliberate in a jury room with no one present but themselves. Each juror must feel free to say whatever he or she thinks about the testimony and evidence, the witnesses, or lawyers' statements and arguments, without fear any of it will be repeated outside the jury room.

As stated above, the purpose of a trial is to do justice by deciding a dispute between parties fairly and impartially. The value to the community of your service as a juror cannot be overstated. You can go home when your period of duty is over with a sense of an important job well done.

*Excerpts taken from the State Bar of Michigan's "Juror's Manual," written in cooperation with the Standard Criminal Jury Instructions Committee.*

## Basics of Bankruptcy

### Basics of Bankruptcy

With some limited exceptions the Bankruptcy Code requires all individual debtors who file a petition on or after October 17, 2005, receive a briefing outlining the available opportunities for credit counseling and provide assistance in performing budget analysis. The briefing must be given within 180 days **before** the bankruptcy filing. After filing, an individual debtor must complete a financial management instructional course before he or she can receive a discharge.

**Most common types of bankruptcy** available to individual consumer debtors:

**Chapter 7**—Liquidation—is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a “means test” designed to determine whether the case should be permitted to proceed under Chapter 7. If your income is greater than the median income of your state of residence and family size, in some cases, creditors have the right to file a motion requesting the court to dismiss your case. It is up to the court to decide if your case should be dismissed. You may claim certain property as exempt under governing law.

**Chapter 11**—Reorganization is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are complicated. Any decision should be reviewed with an attorney.

**Chapter 13**—Repayment of all or part of the debts of an individual with a regular income in installments over a period of time. You are only eligible for this chapter if your debts to not exceed certain dollar amounts listed in the Bankruptcy Code. You must file with the court a plan to repay your creditors all or part of the money you owe using future earnings. The period allowed by the court is usually 3 or 5 years. The court must approve the plan. After completing the payments under your plan, your debts are generally discharged, except for those listed above.



### Are all debts discharged?

A debtor may be denied a discharge for doing things such as concealing assets or making false statements to the Bankruptcy Court. Also, some types of debts, such as child support, alimony, student loans, and some taxes, are not discharged in bankruptcy.

### How to file a bankruptcy petition:

A bankruptcy petition is filed with the Bankruptcy Court in the U.S. District Court where the debtor resides – in Michigan, either the Eastern or Western District.

### Do I need a lawyer?

Bankruptcy is a complex area because there are many factors that go into the decision whether to file, what chapter it is best to file under, and the proper use of exemptions and other protections of the Bankruptcy Code.

*Excerpts taken from the website of the U.S. Bankruptcy Court Western District of Michigan ([www.miwb.uscourts.gov](http://www.miwb.uscourts.gov))*

### Bankruptcy Alternatives

Other ways to deal with a debt problem include:

- Out-of-court settlement with creditors
- Obtaining help from a non-profit consumer credit counseling service
- Payment of debts by the sale of assets or borrowing on assets

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