

Estate Planning & Asset Protection

Protecting your assets does not have to be complicated, and we're making it easy! Call us today and attend one of our free workshops. Learn how you can protect your assets for yourself and your loved ones.

Call TODAY to reserve your place in one of our FREE classes

November 29th, 2011
6:00—8:00 PM

January 10th, 2012
6:00—8:00 PM

January 24th, 2012
3:00—5:00 PM



Contact Mark Pasquali to schedule a personal asset analysis or to register for a workshop.

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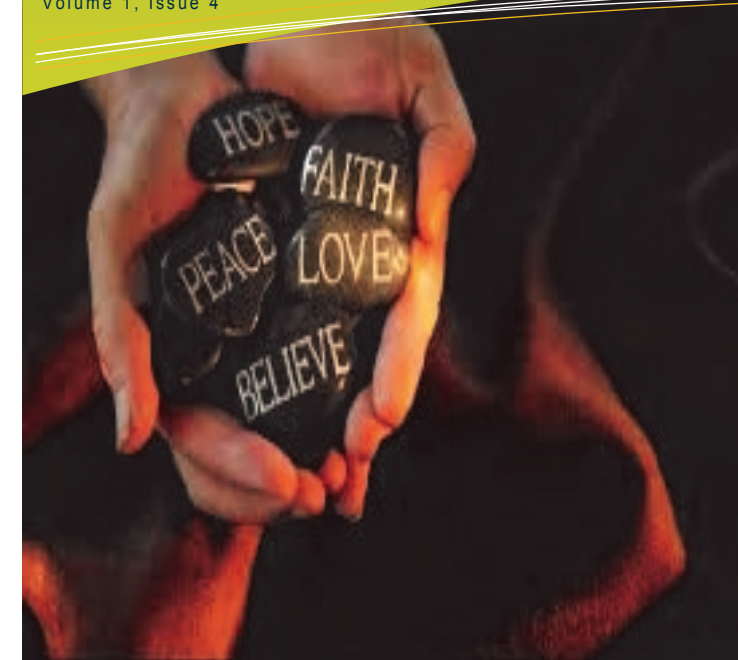
Winter
2011



Legal News

You Can Use

Volume 1, Issue 4



Coming Soon to
WCFX 95.3 FM
Listen to Joe Barberi
at 8:30 a.m., Monday-Friday,
for crazy laws that are still
on the books!

“Go Figure.”

A Fond Farewell



Carl Barberi

The Law firm of Joseph T. Barberi P.C. announces the retirement of one of its valued employees, Carl Barberi. Effective November 2011, Carl is retiring from working with us as a result

of recent health issues that have confronted him this year. Previously Carl had served as the assistant superintendent of schools for Greenville, Michigan where he and his wife Alison reside. Carl had worked as a teacher and school administrator in Michigan's public schools for over 34 years before “his first retirement.”

Since joining the law firm of Joseph T. Barberi P.C. in 2004 Carl has worked with staff members to serve clients in the area of wills, trusts, and Medicaid planning. Carl also has helped our clients in divorce cases, specializing in assisting with dividing up deferred compensation moneys, through the use of complicated QDROS, EDROS, and C.O.P.E.S. (with Federal Government pensions).

More recently, Carl utilized his exceptional ability to work with numbers, to help process detailed Medicaid applications, working with attorney J. David Kerr, attorney Brian Rush, and most recently attorney Mark Pasquali.

Carl's friendly face and gentle manner in dealing with our clients will be deeply missed by all of us. As Carl confronts his medical issues, all at Joseph T. Barberi P.C. are keeping Carl in their prayers. We are confident that Carl will continue the progress that he has made such that he will enjoy a long lasting life for years to come.

Everyone at the firm wishes Carl, and his family the absolute best in “Carl's second retirement” in the days and years to come.



Joseph T. Barberi

Jury Trial Brings Fair Compensation to A Client of JTB P.C. for Auto Accident Injuries

In July, 2011 Mr. Barberi and the law firm of Joseph T. Barberi, P.C. prevailed before an Isabella County jury. The issue, before the jury dealt with future economic damages sought for our client due to injuries she received from an auto accident which occurred on April 5, 2007.

Prior to commencing litigation in this matter, Mr. Barberi met with an insurance adjuster to try to negotiate a settlement for our client's injuries. In order to avoid litigation, on behalf of his client, Mr. Barberi offered to settle her claim for a total of \$15,000.00, with no attorney fees paid to our law firm. The insurance company rejected Mr. Barberi's offer of settlement, stating that their position was that our client had pre-existing medical conditions which would likely prevent a jury from awarding any form of court recovery under Michigan's No-Fault law. Our client did have a myriad of previous physical problems for which she had sought treatment for before being t-boned by the Defendant on April 5, 2007.

A lawsuit was filed in Isabella County Trial Court and Defendant's insurance company admitted causing the accident but denied their insured owed our client any compensation for her injuries. On January 11, 2011 a panel of three (3) experienced local litigation attorneys evaluated the case at only \$8,000.00. Again, all three attorneys advised Mr. Barberi that winning a jury trial would be unlikely, if not impossible. Reluctantly, our client accepted this case evaluation award. However, the insurance company again rejected the recommended award to resolve this case. As a result of the insurance company's rejection, the parties were forced to proceed to a jury trial which took place on July 26th, and 27th 2011 in Isabella County. Mr. Barberi argued to the jury that the resulting severe decline in the Plaintiff's ability to perform household tasks such as laundry, cleaning,

etc., was directly caused by the April 5th, 2007 accident. Mr. Barberi used the "cracked egg" analogy with the jury, explaining that prior to being struck by the other driver, the Plaintiff was sixty-nine (69) years old and her body was affected by many pre-existing injuries and was similar to a "cracked egg," with the yolk intact; however the impact of the collision caused the yolk to break. In essence, our client went into a downward spiral, medically speaking, as a direct and proximate result of this collision.

At the conclusion of the two (2) day Trial, the jury returned a verdict in our client's favor in the amount of \$36,400.00. This amount was based upon our client's future need for continuing household replacement services, or economic damages. As a result of the insurance company's refusal to accept the unanimous case evaluation award of \$8,000.00, the Court ordered Case Evaluation Sanctions in the amount of \$16,596.39. This amount (\$16,596.39) was added to the Plaintiff's jury verdict of \$36,400.00, for a total award of \$52,996.39, or \$44,996.39 more than the amount the three (3) member attorney panel's recommendation at case evaluation in January, 2011!

At trial, local Physician, Dr. Jeffery Khabir, graciously agreed to testify (without any compensation) to the effect that there was no question in his mind that our client was seriously impacted by the injuries she received in the auto accident. Dr. Khabir testified for almost three hours verifying her medical problems and discussing his belief that the recent auto accident prevented her from ambulating properly, and interfered with her ability to perform routine household tasks. Everyone at Joseph T. Barberi P.C. thanks Dr. Khabir for his unselfish dedication to his patient's best interests.



Lori Erksin

New rules for Michigan Juries to Aide in Their Decision Making

Jurors are charged with the most important role in any court proceeding: deciding guilt or innocence in criminal cases, and determining who wins and who loses in civil trials.

Yet Michigan jurors have been for the most part passive participants at court — forced to sit and observe until the closing arguments are made and deliberations begin. By that point, key evidence may have flown by and been forgotten, and important questions may be neglected.

New rules took effect in September that will empower jurors to be more active, informed and — it is hoped — more effective participants in trials. The rules, ordered by the Michigan Supreme Court, represent the culmination of a six-year process of experimenting in courts throughout the state and seeking input from jurors, judges and attorneys.

The rules allow jurors in all trials to submit questions to witnesses through the judge, something already permitted in criminal cases but currently prohibited in civil cases. Also in civil cases, jurors will now be able to discuss evidence during the course of the trial rather than waiting for closing arguments. Criminal juries will still be prohibited from deliberation until after they've seen all the evidence.

Jurors will also be allowed to take notes during the trial. A jury can request to see property or someplace important to the matter in dispute, such as a crime scene. Jurors will now re-

ceive copies of jury instructions, which judges currently read from the bench. Judges can help jurors by summing up evidence after closing arguments, while reminding them they are the final arbiters of facts in cases.

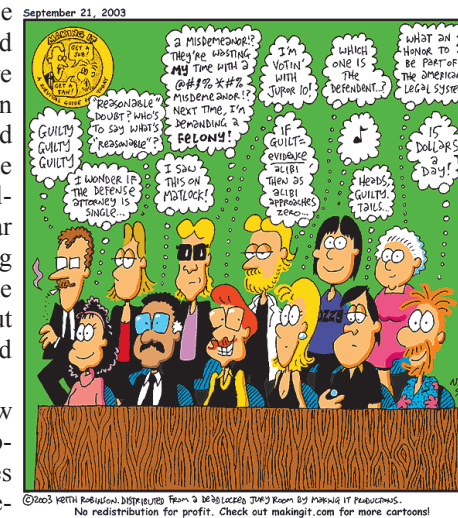
Judges, according to the new instructions, "may not refuse a reasonable request" from jurors to review evidence or testimony during deliberations — a standard that assumes jurors have a right to the tools that will help them make informed decisions. In addition, a judge can invite

Arizona and Massachusetts. Some 30 other states are in the process of making changes or studying them. The new rules in Michigan will put our state in line with these general reforms.

In announcing the changes, Michigan Supreme Court Chief Justice Robert Young said the rules will "permit jurors to be truly involved, rather than sitting in enforced passivity." "Traditionally, the legal system has been somewhat conflicted about juries," Mr. Young said. "On the one hand, lawyers and judges tell jurors how important they are to the justice system and how much we value their service. Then we proceed to tie their hands — they can't take notes, ask questions, or talk to other jurors about the evidence while it's still fresh in their minds. We ask them to make tremendously important decisions and then take their decision-making tools away. The last time any of us were expected to learn while sitting quietly like jurors was in kindergarten."

These rules are an attempt to treat jurors like adults, to empower them to make more informed, more coherent decisions. In a court system built on the fundamental right to trial by a jury of one's peers, that's a positive step.

www.mlive.com/opinion/grand-rapids/index.ssf/2011/editorial_how_new_rules.



deadlocked juries to list issues that are dividing or confusing them to see if the judge can help break the impasse.

The new rules have been tried in select courts throughout the state and have worked well as far as juries are concerned. For instance, 91 percent of jurors who participated agreed that being able to discuss the evidence before final deliberations helped them reach a better verdict.

The new rules mirror reforms implemented in

What is an Advanced Health Care Directive?

An advanced health care directive is commonly found inside a Durable Power of Attorney for Health Care and states your wishes for your care in critical medical situations.

Why should you have an Advanced Health Care Directive?

If you are in a coma or other dire medical situation, it lets your physician, family and friends know your health care preferences, including the types of special treatment you want or don't want at the end of life, and empowers your patient advocate, appointed in a Medical Power of Attorney to carry out your wishes.

Who prepares this document?

This document should be prepared by an attorney familiar with estate planning so your wishes can be executed pursuant to applicable law.

Unusual Hunting Laws

Hunting rabbits in a motorboat is prohibited in Kansas

It is said that it is illegal to hunt camels in Arizona. Camels were seen in the wild until the 1950's due to a failed venture that involved a camel herd.



In California it is illegal to shoot an animal from a moving vehicle unless it is a whale.

But don't try to hunt whales in Utah it is Not allowed!

"Go Figure!"