

SPOTLIGHT PRACTICE AREA: PROBATE



Bruce Rice graduated from Kent State University in 2006 with a Bachelor of Arts and Science degrees in Psychology and Justice Studies. While attending Kent State, he was a member of the Black United Student organization and played for the Kent State football team.

Bruce then attended Wayne State University Law School and received his Juris Doctorate in 2011. During law school, he served as a student attorney at the Free Legal Aid Clinic, Inc.

Prior to joining Hewson & Van Hellemont, P.C. in 2015, Bruce worked as an associate attorney with a focus on Probate and Trust Administration. His addition to HVH provides additional services to new and existing clients.

Bruce is a member of the Wayne County Probate Bar Association and specializes in Probate Administration, Litigation and Estate Planning.

How did you become interested in probate? What path brought you here?

I started my career at one of the largest Michigan Probate firms starting as a law clerk and becoming an Associate. Upon starting law school I never saw myself doing Probate work. However, as a law clerk for the Honorable Muriel Hughes of the Third Circuit Court, I became more comfortable with Probate laws and procedures, which are very different than most areas of law; I started considering the practice area as a possible career. Once the opportunity presented itself I grasped the opportunity. My early career allowed me to take responsibility for several complex issues and files, which initially was a bit overwhelming; but raised my confidence and abilities rather quickly.

What is Probate?

The term "probate" refers to the manner of administering the property (the estate) of a decedent by a Personal Representative (PR) under the jurisdiction of one of Michigan's county probate courts. A PR is appointed by the Court to handle the administration of the Estate. The administration of a decedent's estate, essentially, involves three parts after the court has appointed a fiduciary:

1. marshalling assets (the assembly, securing, valuation and sorting of the decedent's property),
2. payment of charges (last illness and funeral expenses, amounts owed to creditors, taxes, family allowances and general expenses of administration)
3. distribution of what is left to the estate beneficiaries (either according to the terms of the decedent's will or, if there is no will, in accordance with Michigan's law of intestate succession).

There are instances in which a Plaintiff or Defendant passes away either before or during a lawsuit. This often times requires an Estate be opened in order to proceed with the suit and/or settle the matter and execute release documents.

Probate also includes the protection of minors and incapacitated individuals; typically, via a Guardianship or Conservatorship. When someone is in need of protection because of disability or age, a Guardian is appointed. If that same person has assets in need of protection a Conservator is appointed.

Just as in deceased estates, there are instances in which a Plaintiff or Defendant become incapacitated during a lawsuit. This requires the appointment of a Next of Friend, Guardian, and/or Conservator to proceed with the suit to protect the individual incapacitated.

It also includes handling of Supervised and Special Needs Trusts, which includes the Mental Health and Developmentally Disabled docket.

What are you known for professionally? What do you have a knack for?

I have a knack for "explanation." I pride myself on the ability to explain complex issues and processes to people in a clear and efficient manner. I also serve as a Guardian ad Litem in Wayne County. While handling matters in that court, I often find myself explaining the complexities of Probate court to people who have little or no knowledge of how probate operates.

What's the one problem you are best at solving for your clients? What do your ideal clients say about you?

I get clients from point A to point B. On most occasions, my clients come to me with no idea where to start with an estate or any other probate matter. I condense the problems and outline a plan to get them from the starting line all the way to the finish line. Having this game plan takes a huge burden off the client. My ideal client says "Wow, you made that easy." I have succeeded in the goal.

What are you most passionate about professionally? What most excites you about your work and the contribution you can make?

Often, as an attorney, I deal with people fighting over deceased loved ones' assets. I view myself as more of a tour guide to help clients through, what is often a very difficult time. It not only requires a bit of patience and compassion, but it also requires the ability to foresee the potential problems that may arise when someone dies or is placed under guardianship. Professionally, I can provide a calm path to guide people through the unexpected and unwanted activity that surrounds an emotional and private time in an individual's life.

I also can provide Estate planning to help avoid Probate Court altogether. With a bit of proper planning and forethought, you can avoid many of the major issues that arise when someone becomes incapacitated or passes away. For assistance in Probate matters contact Mr. Rice at 248-968-5200.

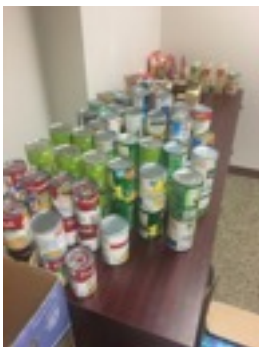
News & Announcements

LINK TO HEWSON & VAN HELLEMONT

Hewson and Van Hellemont LinkedIn site is expanding to provide the latest news and information about the firm. Stay up to date by following HVH on LinkedIn.

FALL COMMUNITY CHARITY DRIVE

There still is time to support the charity drive with donations.

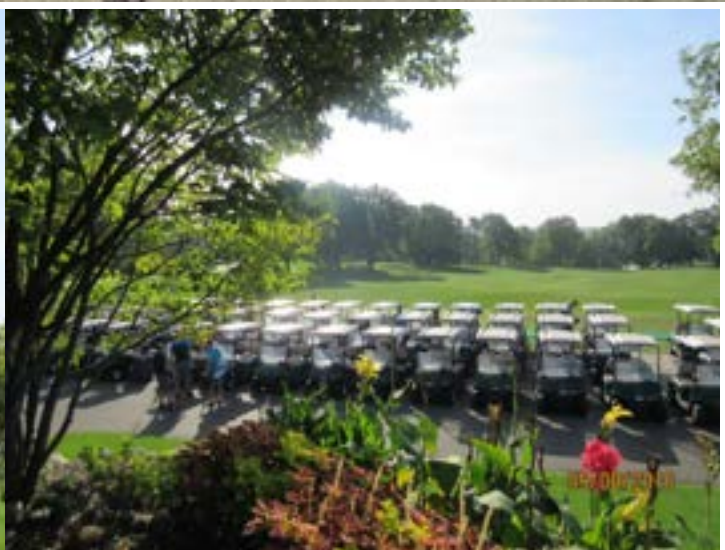


Donations of food, clothing and money will be accepted through October 31, 2016 in all HVH offices.

All donations will be distributed to non-profit charity organizations and churches throughout southeast Michigan to help feed, clothe and provide to families in need.

Your support is appreciated

HEWSON & VAN HELLEMONT, P.C. GOLFS TO SUPPORT MDTC



The 20th Annual MDTC Open Golf Tournament was held on Friday, September 09, 2016. The event had 35 sponsors, including HVH with 99 golfers who enjoyed the beautiful weather at the lush greens of Mystic Creek Golf Club in Milford, MI.

MDTC is an association of the leading lawyers in the State of Michigan dedicated to representing individuals and corporations in civil litigation. As the State's premier organization of civil litigators, the impact of MDTC Members is felt through its Amicus Briefs, often filed by express invitation of the Supreme Court, through its far reaching and well respected Quarterly publication and through its timely and well received seminars. It is an organization that promotes excellence in Civil Litigation. Membership in MDTC provides exceptional opportunities for networking with fellow lawyers, but also with potential clients and members of the judiciary.

HVH EMPLOYEES ASSIST IN BACKPACK-STUFFING CHARITY EVENT

ALA (Association of Legal Administrators - Detroit) makes a difference in the lives of 200 Children. Andrea Young, the Community Connection chairperson and Cynthia Whitcomb, the Business Partner chairperson presented the Metro Detroit chapter with a challenge and opportunity to make an impact for local children's education. The challenge was to provide 200 new backpacks filled with grade appropriate school supplies to the children of Commonwealth Development Academy, grades K-8.

ALA members and business partners answered the call to help, which resulted in successfully delivering 200 filled backpacks. The majority of funds came from the chapter with some help from members' firms that held casual day fundraisers to support the backpack effort.

ALA gives special acknowledgment to Detroit Pencil for providing supplies at special pricing and Meijer for allowing "Back to School" pricing for the ALA purchase.

With the supplies and backpacks purchased, a "backpack stuffing" event took place where members, business partners, teachers and staff from the school worked filling backpacks with pencils, pens, paper, glue, notebooks, hand sanitizer, Kleenex®, crayons, markers and more.

All 200 "stuffed" backpacks were delivered to the school/children on the first day of school.

SHARING 25 YEARS OF HVH HISTORY



Jim Hewson shares stories from 25years of HVH history with the team.



In September HVH employees gathered to celebrate 25 years. Jim Hewson gave an inspired welcome that demonstrated his passion for the client work done at HVH. He urged each individual to find their work passion, to bring it to the office daily and to make an impact in their profession.

HVH starting with a handful of attorneys has grown to be the 13th largest law firm in Michigan. Starting in insurance defense the firm has expanded to include, but not limited to, Criminal Law, Family Law, Probate, Contract Disputes, and Workers' Compensation.



CONGRATULATIONS!!!**HEWSON & VAN HELLEMONT STAFF ADDITIONS IN 2016:****Oak Park**

January: Stacy Spangler – Assistant
Kathy Sikes – Billing
Kristen Kaufman – Assistant

February: Symantha Caudill – Assistant

May: Sarah Goudreau – Assistant
Martha Kohn – Typist

June: Grace Wright – Marketing

July: Kristine Ciaramitaro – Assistant

August: Michael Cady – Records Clerk
Kristi Keiser – Assistant

Fort Myers

June: Robyn Koschier – Office Administration

Recent Opinions

Ward v State Farm Mutual Automobile Insurance Company

Michigan Court of Appeals

Unpublished - Docket No. 327018

September 15, 2016

Naketta Ward filed suit against State Farm for failure to pay PIP benefits following a September 29, 2013 automobile accident. Ms. Ward sought PIP benefits for medical expenses, attendant care, replacement services and lost wages. State Farm filed four motions for summary disposition and was successful because Ms. Ward made a false statement with the intent to conceal a material fact related to a claim and by applying the Court's decision in *Bahri v IDS Prop Cas Ins Co*.

Naketta Ward was involved in an automobile accident on September 29, 2013 and subsequently sought PIP benefits for medical expenses, attendant care, replacement services and lost wages. She filed suit against State Farm for failure to pay the bills under PIP.

State Farm filed four motions for summary disposition: 1) lost wages, 2) attendant care & replacement services, 3) medical expenses and 4) false representation.

As to lost wages, State Farm argued that Ms. Ward was not entitled to wage-loss because she had been fired from her position for misconduct and that any disability or injury from the automobile accident was not relevant. The trial court granted the motion.

The second motion also was granted by the trial court. State Farm argued that Ms. Ward had testified that no attendant care was required and the alleged service provider testified she

had not provided any cleaning services.

State Farm filed a motion for summary disposition for the medical expenses. Mr. Ward had an insurance policy with Blue Cross Blue shield of Michigan that was primarily responsible for any medical expenses as a result of the accident. Ms. Ward did not produce any evidence that there were any unpaid medical bills.

In the fourth motion for summary disposition State Farm argued that the policy provided no coverage if the covered person made false representations in connection to the insurance claim. As Ms. Ward had made such false representation about lost wages and replacement services State Farm was not liable for any bills that occurred as a result of the automobile accident. The court agreed and granted the fourth motion. With this the court declined to address any motions related to the merits of the medical-expenses claim.

Upon appeal Ms. Ward filed for medical benefits. She contended that State Farm never proved that it relied on Ms. Ward's misrepresentations. The court however, upheld the motion dismissal because the insurance policy made no mention that State Farm must rely on false statements only that the policy holder had "made false statements with the intent to conceal or misrepresent any material fact".

Ms. Ward also contended that the trial court improperly made a credibility determination when the testimony of the alleged service provider was accepted. The court upheld the summary disposition because the alleged service provider testified she had "never" provided services and any reasonable mind

would find the inconsistency fatal to Ms. Ward's claim.

Ms. Ward also argued that she was entitled to wage-loss because she "had to" leave her job "because of the accident". The employer's records contradicted Ms. Ward's claim because records indicated a series of warnings because of failure to adhere to company policy that led to her termination. Therefore, the insurance policy offered no coverage when false statements were made. The court held that there was documentary evidence that Ms. Ward had given false statements. State Farm prevailed and did not pay claims associated with the automobile accident.



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