

NEWSLETTER



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TIS THE SEASON TO BE JOLLY...BUT NOT TOO JOLLY

Top Holiday Party Legal Issues for Employers

By Beier Howlett

The holiday season is in full swing, which typically means parties, events, dinners, and everything in between. While employees are getting ready to attend company holiday gatherings, employers are preparing to plan an enjoyable and risk-free event.

There are certain legal issues that employers may face during the holiday party season. It is important to be aware and prepared so the party does not end with employee complaints, injuries, or liability issues. While employers cannot eliminate all potential problems from their holiday party, it is important that they

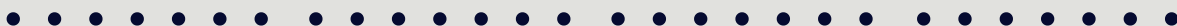
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create an environment that limits their exposure to potential legal issues.

Some of the most common legal issues that employers could face during company holiday events are as follows:

Alcohol

Serving alcohol at your company party may come with some risks. Increased alcohol consumption may lead to inappropriate behavior such as fighting or sexual harassment, as well as driving while intoxicated when the event has ended. It is



important to keep your employees safe as well as limit your business's liability.

Consider the following tips to mitigate risk when it comes to providing alcohol at your company holiday gathering:

- Hire a professional bartender;
- Only offer beer and wine;
- Use a ticket system which limits the number of drinks per person;
- Limit the hours that alcohol will be served;
- Offer a wide variety of festive nonalcoholic beverages;
- Offer reimbursement for Uber or other rideshare options;
- Provide plenty of food; and,
- Remind employees driving company owned or leased vehicles to be especially cautious.

Beyond general host liability concerns, Michigan employers should be aware of the state's social host liability law. Under this law, the hosts of social gatherings can be liable for **minors** being served alcohol as well as for the potential damage they may cause while intoxicated. The host responsible for purchasing and/or serving the minor with alcohol could potentially be faced with misdemeanor charges, and in some cases, felony charges.

Selecting a Safe Venue

Safety should be a top priority when organizing and planning your holiday event. If the event is someplace other than the office, you should select a reputable, fully insured venue that provides safe and accessible accommodations for all guests, including those with disabilities.

Is everyone invited? Preventing Discrimination Issues

More than likely, employers employ individuals with diverse backgrounds and religions, so it is important to be as inclusive

MIKE GIBBONS NAMED TO “LEADERS IN THE LAW” 2025

BY MICHIGAN LAWYERS WEEKLY

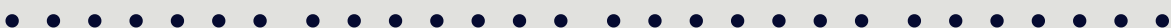
“Leaders in the Law” are recognized for their outstanding contributions to the practice of law and the Michigan justice system. They demonstrate exceptional leadership and legal expertise across diverse areas of the law.

Michigan Lawyers Weekly reviews the nominations and selects honorees who are setting the standard for excellence in the legal profession.

as possible when planning your event. The event should not be celebrating a particular holiday but rather celebrating the holiday season generally and the individuals that work for the company. Avoiding terms and decorations that are associated with specific religions will help foster a more inclusive atmosphere for all the employees.

Liability for Sexual Harassment

When employees are relaxed and less inhibited in a social setting, it may be easy to forget that workplace conduct still applies,



even at a holiday gathering. It is important for employers to model appropriate behavior and stop inappropriate behavior if they see it happening. If instances do occur, take all complaints seriously and investigate promptly.






When, Where, and Whether Attendance is Required

The location, day of the week, and time of the gathering could all potentially affect your employee’s behavior. A holiday gathering at the office may be easier and encourage employees to behave appropriately, but it might not feel like a celebration as much as a gathering would feel at a different location. However, employers should be mindful of potential liability implications associated with on-site gatherings.

To help reduce any potential liability issues (for instance, employees may claim work-related injury or illness) employees should be made aware that attending the holiday gathering is voluntary. Planning the gathering outside of normal working hours and at a location other than the office could help establish that this is a social event, not a business function.

Many employers find it helpful to check with their liability and workers compensation insurance agents to confirm they carry appropriate coverage and/or follow proper protocols.

Employers would be wise to ensure that workplace conduct policies, including those addressing anti-discrimination and anti-harassment, are reviewed prior to the holiday event. Your company may even want to send a link to those policies to employees before the holiday party to remind employees of acceptable behavior. These could include, but not limited to, the following information:

-  The Business Code of Conduct;
-  Zero Tolerance Policy;
-  Anti-Harassment Guidelines;
-  Substance Abuse Policy; and,
-  Social Media Policy.

Conclusion

Holiday company parties can be a great way to end the year together by building team spirit, boosting morale, and celebrating the holiday season, but employers should be proactive in the planning process to ensure the event remains problem free. Even if you take all the appropriate actions to help prevent issues, something could still arise and having the proper procedures in place to handle these issues or complaints will help them be addressed in a timely manner and help protect employers, employees, and the business itself. ◇

A PRACTICAL GUIDE TO UNDERSTANDING PROBATE IN MICHIGAN

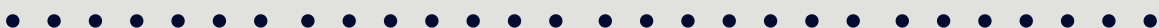
By Matthew Haupt



When a family member passes away, their property, accounts, and personal belongings must be legally transferred to the right people. In Michigan, this court-supervised process is called probate. It may sound intimidating, but

with the right guidance, it can be managed smoothly.

I’m Matt Haupt, a probate attorney with Beier Howlett in Troy, Michigan. I help personal



representatives and beneficiaries throughout Oakland County navigate the probate process from start to finish. Whether you are opening an estate, handling debts, or preparing the final accounting, I work with you to keep the process clear, efficient, and legally sound.

Tracy Gaudenzi Named to Michigan Lawyers Weekly “Influential Women of Law”



Congratulations Tracy, for being named to Michigan Lawyers Weekly “Influential Women of Law” Class of 2025.

This distinguished honor celebrates women attorneys and judges who demonstrate exceptional advocacy for their clients and the justice system, steadfast commitment to their communities, and outstanding service to the legal profession.

To learn more about Tracy, or contact her, click [HERE](#).

Congratulations

What is Probate in Michigan?

Probate is the legal process used to manage a deceased person’s estate. That includes identifying assets, paying valid debts, and distributing what remains to heirs or beneficiaries.

In Oakland County, probate matters are handled by the Oakland County Probate Court in Pontiac. In Macomb County, probate matters are handled by the Macomb County Probate Court in Mount Clemens. Each county in Michigan has its own probate court, but the rules come from Michigan’s probate code.

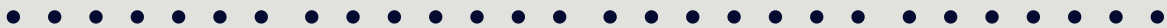
Not every asset must go through probate. For example, property held jointly with rights of survivorship or accounts with named beneficiaries may pass outside the court process. Part of my role as a probate lawyer in Troy is to help families understand what must be probated and what can transfer more directly.

Opening a Probate Case in Oakland County

The first step is filing a petition or application to open an estate in probate court. The court then appoints a personal representative (sometimes called an executor) to oversee the estate.

- ✿ If there is a valid Will, it usually names who should serve as personal representative.
- ✿ If there is no Will, Michigan law sets the order or priority for who may serve.

Once appointed, the personal representative has legal authority and responsibility to act on behalf of the estate.



Duties of a Personal Representative

The personal representative's job can be demanding. Common tasks can include:



As a probate attorney, I work closely with personal representatives to make sure every duty is met and deadlines are followed, reducing the risk of personal liability.

Probate When There is a Will

If the decedent left a Last Will and Testament, it must be filed with the court. Copies are also provided to all interested parties, which include:

- The people named to inherit under the Will;
- Trustees of any trusts created by the Will;
- Heirs who would inherit if there were no Will;
- The nominated personal representative.

Even relatives excluded from the Will must be notified, giving them a chance to raise objections.

If the Will is uncontested, the estate moves forward under its terms. If the Will is challenged, the court may hold hearings and examine evidence on issues such as undue influence, fraud, or competing Wills.

Probate Without a Will in Michigan

When someone dies intestate (without a Will), Michigan's inheritance laws decide who receives the estate. The personal representative still manages the same duties, but instead of following written instructions, they follow the order of heirs set by statute.

This typically means assets pass first to a surviving spouse and children, then to parents, siblings, or more distant relatives if necessary.

Administering, Paying Debts, and Distributing the Estate

After appointment, the personal representative manages the estate on a day-to-day basis. This includes maintaining property, managing accounts, and sometimes seeking court approval to sell assets or resolve disputes.

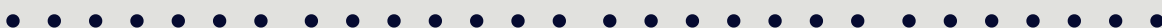
Before heirs or beneficiaries receive their inheritance, the estate must pay outstanding obligations. These may include:

- Funeral costs;
- Medical bills;
- Taxes;
- Creditor claims; and/or,
- Administrative expenses.

Only after debts are settled does the personal representative distribute what remains. If there is a Will, the distributions follow its instructions. If not, Michigan's intestacy rules control.

Closing the Estate in Probate Court

The last step in probate is preparing a final report or accounting that shows how the estate was handled. After the court approves and confirms that debts are settled and distributions are made, the estate can be closed. At this point, the personal



representative is released from further responsibility.

Do You Need a Probate Lawyer in Troy?

Even when probate seems straightforward, the process can be complex and time-consuming. Personal representatives face deadlines, paperwork, and potential personal liability if mistakes are made. Beneficiaries often need guidance to make sure their rights are protected.

As a probate attorney in Troy, Michigan, I help clients:

- File and confirm Wills with the court;
- Provide notice to heirs and beneficiaries;
- Identify, secure, and value estate assets;
- Handle creditor claims and tax issues;
- Prepare and submit required court filings;
- Transfer property to heirs and beneficiaries; and,
- Complete the final accounting and close the estate.

If you are serving as a personal representative or are a beneficiary of an estate, I can guide you through the probate process with confidence and clarity. Contact Matt Haupt today at (248) 282-1063 or email at mhaupt@bhlaw.us.com to schedule a consultation. ♦



CO-PARENTING DURING THE HOLIDAYS: HOW TO KEEP THE SEASON MERRY

By Monica Rossi Baylis

While the holiday season is a time for joy and festivities, it can also be a difficult time for those who are sharing parenting time of a child/children after a divorce. Successful co-parenting during the holidays requires planning, consideration, and collaboration to balance gatherings and traditions for everyone involved. It is crucial to keep the best interests of the child/children at the forefront of it all. Creating new memories with your child/children post-divorce will help create a sense of security for them while they are navigating their new normal.

Here are a few tips that may help you navigate the holiday season peacefully:

Understanding the Regular and Holiday Parenting Time Agreement Ordered by the Court

It is important for each parent, and the child/children, to understand the regular and holiday parenting time agreement that is in place. The divorce decree outlines how the parenting time with the child/children will be shared after divorce. The divorce judgment



MARY KUCHARREK NAMED “LAWYER OF THE YEAR”

Mary has been named “Lawyer of the Year” 2026 by Best Lawyers in Troy, Michigan for Municipal Litigation.

Best Lawyers is a highly respected peer-review publication recognizing top legal talent worldwide. Lawyers selected as “Lawyer of the Year” have received the highest overall peer feedback for a specific practice area and geographical location. This is a highly exclusive award to receive as only one attorney is selected for each practice specialty and location.

To learn more about Mary, or contact her, click [HERE.](#)



may be very specific with regards to regular parenting time and holiday breaks, or it can be up to the parents to agree on informally. Regular parenting time is the schedule in place for most of the year. Holiday parenting time supersedes the regular schedule, meaning if Mom usually has every Monday and Tuesday overnights and Dad has every Wednesday and Thursday overnights, and they alternate the weekends Friday through Monday, if Mom has Christmas Day until New Year’s Eve on any given year and those dates would fall on Dad’s regular parenting time, his time is suspended for Mom’s holiday time and the regular schedule will immediately resume after the holiday parenting time is over. Therefore, keeping track of who has which weekend for regular parenting time would be important during the holidays so each parent and the children know where to pick up when it’s over.

Keep the Child/Children’s Best Interests at the Forefront of all Decisions

If the judgement does not specifically outline the holiday parenting time and it is in the discretion of the parents, it will benefit the child/children from spending time with both parents throughout the holiday season. Whether the judgment is specific or not, minimizing conflict, especially during the holidays, will help children adjust better to divorce. Holidays are hard on children of divorce, so it is important to not put the children in the middle so that they can enjoy the holidays with both parents instead of feeling sad, guilty, or conflicted.

Clear Communication is Essential

Not only should you have clear communication with your co-parent, but the child/children should be kept informed of all plans. This will help prepare them for plans with each parent without having any unwanted surprises. Holiday travel especially needs to be discussed in detail to prevent any

miscommunication, and make sure everyone is aligned with the plans.

It may be easy to get caught up in the excitement of the holidays, but planning ahead, communicating all plans, being flexible, and being willing to compromise are necessary elements when co-parenting during



Congratulations!

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the holidays. Remember that it is not a competition between co-parents. Do not try to outdo each other. It might even be a wise idea to coordinate gift giving for the child/children.

Create a Detailed Holiday Schedule

As stated before, holiday parenting time supersedes the regular parenting time schedule that is in place. Every plan will vary from family to family. Some schedules may include alternating the holiday every year or splitting the holiday on the actual day. Do not wait until right before the holidays to set the schedule if it is left to the parent's discretion, it would be wise to plan a few months in advance. Continuing certain holiday traditions would help maintain a sense of normalcy for the child/children. For example, if your co-parent typically has an extended family party, it might be nice to keep that tradition for the

child/children. It may be a good idea to discuss with your co-parent which holiday traditions are the most important to each of you when you plan to divide time when negotiating your holiday parenting time agreement, but you should make sure the schedule is focused on the child/children and what is best for them instead of what is best for the parents.

Create New Holiday Traditions

Encourage your child/children to help come up with new holiday traditions with each parent. This could help get them excited about the changes instead of possibly feeling nervous or unsettled with the changes. It is inevitable that one parent will not have the child/children on the actual holiday, however this can open a door to creating an exciting plan and new tradition by celebrating the holiday on a different day together. It can be a time to start fresh and figure out what will bring you and your child/children joy during the holidays.

Splitting the holidays with your child/children can be emotionally heartbreaking. However, by properly planning, being flexible, having clear and open communication, minimizing conflict, and creating new holiday traditions that everyone can look forward to might help smooth the transition for everyone and may actually create an exciting and harmonious holiday season. ◊

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