

# Beier Howlett

ATTORNEYS AND COUNSELORS

## Cell Phones Now Allowed in the Courtroom

by Peter Gojcaj



**Great News!** Clients, non-lawyers, witnesses, and jurors may bring cell phones into the courtroom.

Beier Howlett’s clients and witnesses should be thrilled to learn that they may carry cell phones and other electronic devices in Michigan courtrooms starting on May 1, 2020. The Michigan Supreme Court has adopted an amendment to Michigan Court Rule 8.115, entitled Courtroom Decorum and Policy Regarding Use of Cell Phones or Other Portable Electronic Communication Devices. This is a major accomplishment because court staff typically send witnesses, non-lawyers, and clients to their vehicles to drop off their cell phones or electronic devices before attending court sessions.

This is important for clients during litigation. Clients will now be able to contact their employers, managers, and other individuals concerning litigation.

The amendment to MCR 8.115 has common sense restrictions. For example, a judge has the authority to terminate any electronic activity that is disruptive or distracting to a court proceeding. No one, including attorneys, can video record, audio record, or livestream courtroom proceedings unless specifically allowed by the judge.

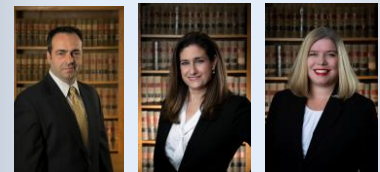
The amendment allows for attorneys, parties, and other members of the public to use, copy, and photograph records and documents. This is key as many attorneys and clients are provided documents in court proceedings and they have to report back to their respective clients.

Of course, all electronic devices must be placed on silent as to

## News from the Firm

...

### Beier Howlett Attorneys Named Equity Partner and Partners of the Firm



Beier Howlett is pleased to announce that the Board of Directors has named Peter Gojcaj as Equity Partner, Monica Baylis as a Partner, and Rebecca Camargo as a Partner.

Peter Gojcaj is a part of our business law group and specializes in commercial law and litigation, school law, and real estate law. Monica Baylis is part of our family law group and specializes in divorce, child custody, and adoption. Rebecca Camargo is a part of our business law group and specializes in construction law, civil litigation, and criminal defense. Congratulations to all!

not disrupt any courtroom proceeding.

I have obtained permission from several judges to have clients and other non-lawyer witnesses bring

in their electronic devices even before May 1, 2020. A judge has wide discretion to allow for this. In lengthy trials, having electronic devices, including cell phones, is key so that clients can

communicate with their companies to keep track of employees, managers, and customers. ◇

### *Birmingham Successfully Defends Civil Rights Claims* by Jane Awdish

Beier Howlett successfully defended two civil rights actions against the City of Birmingham. Both suits were brought under 42 U.S.C. § 1983, which provides a civil action for damages against a municipality for deprivation of civil rights.

The first, *Darakjian v. City of Birmingham*, was brought by a real estate development firm (and its sole member) after the City rejected their bid for the City’s proposal to redevelop a parcel of City property. The court supported the City’s position

that both the real estate development firm and its sole member lacked standing to sue. Not only was the case dismissed, but Beier Howlett obtained \$40,000.00 in attorney fees to be reimbursed to the City.

In *Schneider v. City of Birmingham*, plaintiff brought a due process claim associated with his alleged interest in a cemetery deed. The court granted the City’s motion to dismiss and found that plaintiff had no property rights associated with the cemetery deed. Beier Howlett obtained

\$11,000.00 in attorney fees to be reimbursed to the City.

Beier Howlett attorneys Jeffrey Haynes, Timothy Currier, and Jane Awdish contributed to these successful outcomes. ◇

Peter Gojcaj:  
[pgojcaj@bhlaw.us.com](mailto:pgojcaj@bhlaw.us.com)  
 (248)282-1063



Jane Awdish:  
[jawdish@bhlaw.us.com](mailto:jawdish@bhlaw.us.com)  
 (248)645-9400



### *You Don’t Have to be a Billionaire to Have a Pet Trust* by Katherine B. Albrecht

Leona Helmsley, who was the heir to the Helmsley Hotel fortune and often referred to as

the “Queen of Mean,” died in 2007. She reportedly had a net worth of \$8 billion. In her will

she created what is probably the most famous (or infamous) pet trust. She left a \$12 million trust

under her will for the benefit of Trouble, her pet Maltese dog. She designated her brother or one of her grandchildren to take care of Trouble after her death. Neither of them wanted the job. Two of her grandchildren who were intentionally omitted from her will challenged the will in court.

The judge hearing the case appointed the general manager of a Helmsley hotel in Florida as Trouble’s caretaker. The hotel manager was familiar with the dog because Leona and Trouble had spent several winters at the hotel. The judge also reduced the trust to \$2 million based on testimony from the caretaker regarding the dog’s expenses. Those expenses included:

- Full-time security: \$100,000 (Trouble routinely received death threats)
- Grooming: \$8,000 per year
- Food: \$1,200 per year (A Maltese would probably do quite nicely on a cup or less of kibble per day.)
- Caretaker’s fee: \$60,000 per year

There was no mention of an annual amount for veterinary care.

Trouble died in December 2010. The remaining funds in Trouble’s trust were added to the \$4 billion Leona M. and Harry B. Helmsley Charitable Trust which, according to the trust’s website, “aspires to improve lives by supporting exceptional nonprofits and other mission-aligned organizations in the U.S. and around the world in health, selected place-based initiatives, and education and human services.”



You may not have \$12 million to leave anyone, let alone your pets. Most pets do not need \$8,000 of grooming per year, nor do they need security service. You may expect a family member will take care of your pets in the event you are not able to continue to do so, rather than planning to pay a caretaker a handsome annual salary. However, if family members are unwilling or unable to care for your pets due to their own family situation, job requirements, allergies, or living arrangements, what should you do about Fido?

One of the things you can do is provide for Fido by leaving an appropriate sum of money in a trust for Fido’s care, along with

written instructions. In determining what those instructions should be, consider the following:

- **Who should be the Trustee to manage the funds?** The trustee will be in charge of managing and paying out the money set aside for Fido. Select someone who is honest, is willing to carry out your wishes, works well with the caretaker, and who will be accountable to the caretaker and the beneficiary who will receive what is left over at the end of Fido’s life.
- **Who Should be the Caretaker for Fido?** The caretaker must be someone who will do right by Fido, having the time, interest, and energy to take on this role. Providing an annual fee to the caretaker may provide incentive to take good care of Fido. However, you may want to include a requirement that the trustee verify with Fido’s veterinarian that the vet is seeing Fido at least annually.

- **How much money is Fido likely to need?** The amount you set aside should be determined based on considerations such as Fido's species,

age, general health, and care and services needed. You should also consider what your final wishes are for Fido.

important for whoever receives Fido at your death or incapacity, whether a family member or some other caretaker.

## Meet Our Attorneys



### [Rebecca A. Camargo](#)



Rebecca A. Camargo is a partner at Beier Howlett. She has been practicing law since 2003 after graduating from Michigan State University College of Law. She spent the first eleven years of her career honing her litigation skills at the Wayne County Prosecutor's office, and then transitioned to private practice. She focuses her practice on construction and business law, civil litigation, criminal law, and real estate law. Rebecca is an avid golfer and also loves to read and cook. She values relationships and loves spending time with her family and friends. Click [here](#) to contact Rebecca!

- **What should be done at the end of Fido's life?**

Leona Helmsley wanted Trouble to be interred in the family mausoleum after his death, but this was not legal under state law. Provide instructions regarding Fido's burial or cremation and disposition of the ashes.

- **What should be done with the money left over when Fido is gone?** If the caretaker is the one who receives the remaining funds, are you concerned that Fido may not live as long as if the caretaker received an annual fee with the remainder going to a charity or some other beneficiary? Maybe you would prefer to benefit a charitable organization, or have the funds paid to those who received the rest of your assets at your death.

If you decide to create a trust for Fido, or even if you don't, you should compile a list of information that would be

- Identify Fido by means of photos, a written description, microchip information or DNA information
- Provide contact information for Fido's veterinarians, groomer, day care provider, etc.
- Identify Fido's medical conditions, medications, dietary requirements, allergies, etc.
- List the commands Fido responds to
- List any sensitivities Fido has. For example, if Fido reacts badly to men wearing hats or uniforms, the caretaker should be made aware of that.

Please let us know if you would like to include a provision for your pet in your estate plan. ◊

*Katherine B. Albrecht:*  
[kalbrecht@bhlaw.us.com](mailto:kalbrecht@bhlaw.us.com)  
(248)282-1064



*This publication is distributed with the understanding that Beier Howlett, P.C. is not rendering legal or other professional advice or opinions on specific facts or matters and, accordingly, assumes no liability whatsoever in connection with its use. Forward your comments, change of address, or additions to our mailing list at [feedback@bhlaw.us.com](mailto:feedback@bhlaw.us.com).*

Copyright © \*2020\* \*Beier Howlett, P.C.\*, All rights reserved.

3001 W. Big Beaver Road, Suite 200  
Troy, MI 48084  
(248)645-9400

[www.bhlaw.us.com](http://www.bhlaw.us.com)

