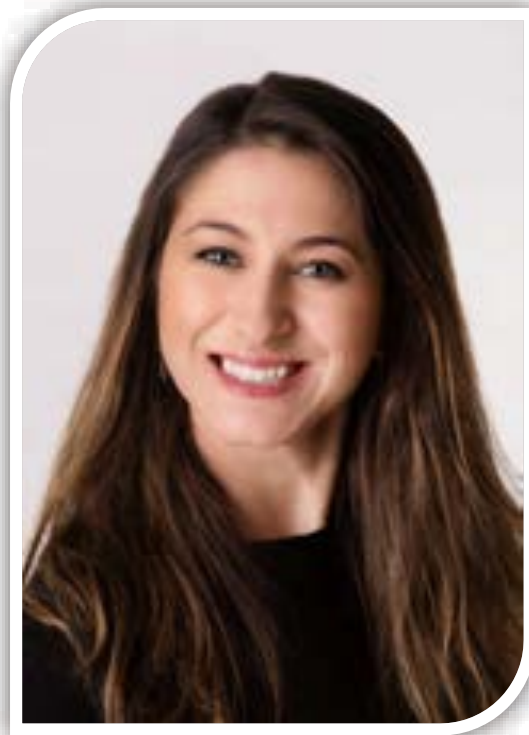




# THE SUMMONS

Saginaw County Bar Association

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**Millicent E. Shek**

Saginaw County Bar Association

President 2020 – 2021

# MEETING DATES FOR 2020/21

*(Go to [www.saginawbar.org](http://www.saginawbar.org) for meeting updates)*

**The dates set for Golf Outing and Annual Meeting, Pro Bono Week, Ask the Lawyer and Christmas Party will all depend on ability to gather at that time.**

## **Board Meeting by ZOOM**

*(All Board Meetings will be held at Saginaw Country Club, 1st Wednesday of every month at 12:00 PM)*

## **Pro Bono Committee Meeting by ZOOM**

*(All PB Meetings will be held at Panda House, 3rd Tuesday of every month at 12:00 PM)*

## **NEW DATE Annual Meeting/Golf Outing**

*Thursday, September 17, 2020  
Saginaw Country Club*

## **Pro Bono Week**

*October 25 to October 31, 2020*

## **Ask the Lawyer**

*Monday, July 20, 2020*

*Monday, October 19, 2020*

*Monday, December 7, 2020*

## **Christmas Party**

*Friday, December 4, 2020*

*Horizons*

*(If you want your committee meeting dates listed here, send them to Kelli Scorsone, Executive Director)*



**SAVE THE NEW DATE**



***Assuming we will be able to meet in September  
we have changed the date!***

**New Date: September 17, 2020**

**SCBA Golf Outing and Annual Meeting**

*(reservation forms will be sent in August)*

# THE SUMMONS

## SAGINAW COUNTY BAR ASSOCIATION

### **President**

Millicent E. Shek

### **Vice-President**

Pending

### **Treasurer**

Pending

### **Secretary**

Pending

### **Immediate Past President**

Katherine M. Baluha

### **Directors**

#### *One-Year Term*

Andrew Collison

William Cowdry

#### *Two-Year Term*

Christopher A. Swartz

Kosta D. Povich

#### *Three-Year Term*

Pending

Pending

### **Editor**

Thomas R. Luplow

### **Assistant Editor**

Ann R. Van Haute

### **Executive Director**

Kelli Scorsone

scba@saginawcounty.com

### **Representative Assembly**

Randy L. Price

Jennifer VanBenschoten Jones

### **MIDC Regional Consultant**

Barbara Klimaszewski

### **SCLA-President**

Jennie Jordan

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### **SCBA Website**

[www.saginawbar.org](http://www.saginawbar.org)

### **Lawyer Referral Service**

1-800-968-0738

The articles in THE SUMMONS, unless clearly designated otherwise, are those of the author. They do not necessarily represent the opinion of the Saginaw County Bar Association or its members. Please direct your comments on THE SUMMONS, to its Assistant Editor, Ann R. Van Haute, 4301 Fashion Square Boulevard, Saginaw, Michigan 48603 • (989) 498-2100.



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## PRESIDENT'S MESSAGE

By: Millicent E. Shek

---

I'll begin by thanking Katie Baluha of Katie Marie Law, PC for getting me involved with the Saginaw County Bar Association. Through conversations with her I was convinced to run for vice-president in 2019, despite having little previous involvement with the SCBA. My experiences thus far have allowed me to branch out and meet people that are outside my areas of practice or who I don't otherwise ordinarily see. It's been great being involved with an Association that is rich and steeped in tradition and I look forward to carrying on those traditions.

I would like to take this opportunity to thank the members of the SCBA for supporting me and allowing me to serve as your president in the coming 2020-2021 term. Katie Baluha has done a remarkable job over the last year and it is a true honor to be stepping into this position.

Thus far, 2020 has not been an easy year. Most recently our community was adversely effected by a historic flood resulting from the failure of two dams. At the forefront has been COVID-19 which significantly affected many facets of society and the legal profession is not exempt. Our profession is embracing new technologies,

allowing us to hold meetings and court proceedings without the risk of spreading a contagion. We're learning to adapt to zoom and preparing our clients for what some are calling "the new norm." The discomforts of change are often accompanied by growth. So while we may be adjusting to new methods, let us remember to look for positives - like "videoing in" to a pretrial rather than driving to an out-of-county court house.

As president I am guided by the principles of participation, education, and community. Past presidents have said they hope to get more participation from attorneys in the community. I pledge to continue viewing this goal as a top priority. We currently have 302 members (out of 437 Saginaw County State Bar of Michigan members) and I hope to increase that number.

I'd like to have more continuing legal education opportunities available to our bar, whether it be through an organization or a few words of wisdom from one of our knowledgeable judges or attorneys. I was once told it's called "practicing law" because we are always learning and always practicing what we learn to become a better advocate. I promise to work diligently to

make the SCBA even more of a useful resource.

Community involvement and participation is paramount to the success of the SCBA. Saginaw is small enough that we can come together yet big enough that we have a plethora of knowledge and skills to share. Over the next year, I hope to increase the number of "Ask a Lawyer" nights we have with the Legal Services of Eastern Michigan and the Public Libraries of Saginaw once permitted by social distancing guidelines and when our community feels comfortable being

around one another again. I also hope to increase the SCBA's charitable work and giving.

Finally, I would like to extend my appreciation to the following individuals: Ryan Naessens of Collison & Collison and Valerie Kutz-Otway of Chalgian & Tripp Law Offices, PLLC for their time and commitment to the Association over the last year, Daniel Straka of the Saginaw County Prosecuting Attorney's Office for agreeing to serve as our Treasurer for another year, and Kelli Scorsone for all her hard work in keeping us organized as an Association.



## *In Memoriam*



**Mark T. Mahlberg** P16991. Died May 11, 2020.  
He was born in 1938 and was sworn into SBM  
December 14, 1964.



**Kirk C. Ellsworth** P39700. Died April 23, 2020.  
He was born in 1959 and was sworn into SBM  
November 16, 1986.

*Please help the Memorial Committee make sure no member is forgotten.  
Contact SCBA office at 790-5285 or [scba@saginawcounty.com](mailto:scba@saginawcounty.com) regarding the  
passing of any Saginaw County Attorney.*

*Our thoughts and prayers go out to all those  
who lost loved ones to Coronavirus.*



---

## PORTRAIT OF A LAWYER MILLICENT E. SHEK

By: Peter S. Shek

---

It is with great pride that I am writing the biography of my daughter as she becomes president of the Saginaw County Bar Association for the 2020-2021 term.

It begins at Saginaw General Hospital on February 18, 1989 with the first-born birth of my daughter, Millicent Elyse Shek. My wife Debby and I nicknamed her “Millie.”

Millie attended Saginaw Township schools from kindergarten through her freshman year of high school. She then applied and was accepted into Vermont Academy located in Saxtons River, Vermont where she finished her high school education and graduated near top of her class in 2007. Thereafter, Millie attended Washington and Jefferson College in Washington, Pennsylvania where she graduated Magna Cum Laude in 2011. Without wasting any time, she applied and was accepted into Thomas M. Cooley Law School and again graduated Magna Cum Laude in May of 2014.

Millie has been the defense advisor for the Saginaw County Sobriety Treatment Court since its inception, having traveled to El Paso, Texas in October of 2017 for the initial training. She

works hard daily to keep her treatment clients on the straight and narrow path to recovery. She enjoys working with the treatment court participants, the treatment court team, and the even hand of the Honorable Judge Trice.

Growing up with two younger brothers certainly made Millie resilient and patient, two important traits an attorney should have. She has a great interest in art history, one of her favorite curriculums, which led her to study Renaissance art in Italy for a semester in college. While in Italy she was able to snowboard the Northern Italian Alps which I know she enjoyed as she was an excellent skier growing up. She also has a strong interest in environmental studies and received a bachelor’s degree in the subject.

I want to say here that it has been an absolute delight working with my daughter for the last six years. It’s been an experience of pride and accomplishment watching her grow into a worthy and hard-working attorney. She is always there to offer her help no matter who is in need. I could “bust my best buttons” I am so proud of my lovely daughter, our next president of the Saginaw County Bar Association.

---

# PAST-PRESIDENT'S ACKNOWLEDGMENTS

By: Katherine M. Baluha

---

With all of the hurdles that life has thrown our way I did not realize that the last Summons article I was writing would in fact be my last as Saginaw County Bar Association President. Reflecting on this past year, it is hard to say that it was a wonderful experience like I had hoped it would be, as we have faced so many challenges and so much heartbreak from last July to now. However, with that being said, I am so thankful for the opportunity to have at least tried my best to help our members and county leaders through what has been one of the biggest struggles our community, profession, and country have ever endured – and I hope that I made a lasting impression with goals that I will continue to work on and support as we move forward. I thank our Chief Judge Darnell Jackson for his leadership and care in making decisions that ultimately made, and continue to make, our community and members safer and provide the information for us as an organization to keep you

all as informed as possible. I thank the Judges and Court staff for doing their best to keep things running, giving us the opportunity to remain working. I thank our Board of Directors this past year for all of their support, hard work, and ability to stay connected remotely. I thank Kelli Scorsone, whom has provided a roadmap and unwavering commitment to each President and Board of SCBA for so many years – I don't know how I could've done the job without her. And finally, I thank all of you for being members of this great group of professionals and encourage you to stay involved even as the way we conduct our lives and work seems to be changing. I am happy to hand the reigns over to an amazing person that will no doubt bring the same positive energy and great leadership to this position as she does to everything else she is a part of – All the best for the coming year to 2020-2021 SCBA President Attorney Millicent (Millie) Shek.

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## SAGINAW COUNTY LAWYERS' AUXILIARY

By: Claudia J. Wallace

---

The SCLA will be easing back into our monthly meetings beginning September 8, 2020. As tradition goes the first meeting is at Judy Weldy's home and begins at 6:30 p.m. After a long 3 months of quarantine due to the pandemic and another 3 months of summer uncertainty we hope to have some semblance of normalcy if there is such a thing. These times we are going through are beyond belief. History books will be revised to include the world's pandemic, nationwide disasters, protests and riots. It is very scary to be living in a world of unrest

yet we do and we cannot let ourselves be deflated. We need to be optimistic and confident that the days ahead will bring healing and recovery.

Thoughts and prayers are with everyone that have lost love ones and friends to the COVID-19, to those that have lost their homes and possessions to the flooding and those that are suffering due to loss of jobs and stability.

Our board line-up stands as is. Jennie Jordan, President, Marti Triantafyllou, Recording Secretary, Jenn Jaffe, Treasurer, Carrie Burns, Social Secretary.

September 8 Board Meeting-Judy Weldy's-6:30  
September 17 Constitution Day  
September 24 Fall Luncheon SCC-11:30  
October TBA Red Mass  
October TBA Maple Grille Cooking Class and breakfast  
Stay safe-Stay Well

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## SCBA EXECUTIVE DIRECTOR'S REPORT

By: Kelli Scorsone, Executive Director

---

### **“Thank You” Departing Board Members**

How unfortunate that your term of office is ending during an incredibly sad time for us all. You shined and helped SCBA get through these last couple months with ZOOM meetings and emailing and phone calls at all hours of the day. So, to you both, Thank You, Valerie Kutz-Otway and Ryan Naessens. Your service on the Board, as committee Liaison, and on various committees is much appreciated. It is so important for Board Members to be active members. It encourages other members to participate more. I hope you continue your much-needed participation with SCBA.

**Thank You** President Katherine Baluha. You played an important role getting the Pandemic messages out to all SCBA members.

Past President, Daniel Straka, **Thank You**, for your continued roll as Treasurer. Your leadership in the many different positions was much appreciated.

SCBA is so fortunate to have such leaders willing to serve and volunteer their time to maintain and improve this Association. Again, **Thank You** leaving board members and those that are continuing to serve their term. I much appreciate your support and willingness to serve.

I am looking forward to the newly elected board members as they step up as this year continues. I know I can count on you to continue the strong leadership we have seen in prior years.

**Thank You**, Nominating Committee, Hon. Darnell Jackson, John J. Swartz, Jr. and Joseph T. Collison. What a great selection you provided us with.

\*\*\*\*\*

### **SCBA COMMITTEES**

Please evaluate your goals! The New Board wants to hear from you, let us know if you need new leadership, have new ideas, or just want to vent! We want to hear from you, and you are welcome to address the Board at a board meeting, just call me to get on the agenda.

\*\*\*\*\*

**CONGRATULATIONS TO THE FOLLOWING HONOREES**

**50-Year Honoree - Admitted to SBM in 1970**

The State Bar of Michigan usually holds a special luncheon honoring those who became SBM members 50 years ago. And SCBA honors them at our Annual Meeting. We are not sure yet what will be happening in the next few months, but do not worry we will not forget you.

**50-Year (1970)**

James R Meyer

Date of Admission: Jan 06th

Patrick Kaltenbach

Date of Admission: Nov 27th

Duane vanBenschoten

Date of Admission: May 28th

Robert Kaczmarek

Date of Admission: Dec 02nd

Richard King

Date of Admission: Jun 11th

David Oberschmidt

Date of Admission: Dec 16th

**40-Year (1980)**

Robert A Currie, Charles F. Phillipak, David Gilbert, Mark Grierson, Daniel C. Himmelpach, Robert A. Jarema, John I. Tsiros, Karl J. Weyand, Jr.

**30-Year (1990)**

Matthew Coffey

**20-Year (2000)**

Lori L. Bommarito, Eldor R. Herrmann, Elan S. Nichols, Jeffrey J. Rupp, Kathleen M. Smith, Daron K. Thomas, James Thomas.

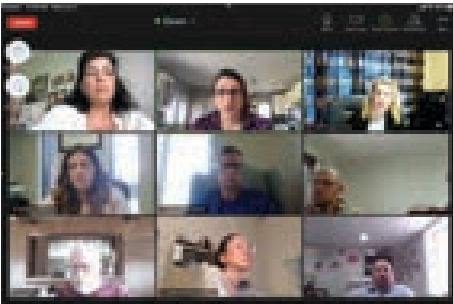
**10-Year (2010)**

Megan Cottington-Heath, Lauren Dye, Kevin J. Kelly, Valerie Kutz-Otway, Philip L. Ellison.

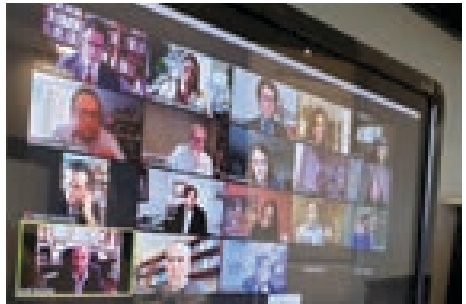
\*\*\*\*\*

**ZOOM MEETINGS**

Your Officers and Board were hard at work during this lock down.



June SCBA Board Meeting by Zoom.



SCBA President Baluha meeting with Governor Gretchen Whitmer and other Michigan Bar Association Presidents.



# PROBATE COURT UPDATE

By: Judge Patrick McGraw

The following SCAO forms are to be used for purposes of Saginaw County Probate Court, as amended with their information, to conduct hearings remotely with Zoom. The Court must verify that all participants are able to proceed remotely in order to proceed with a remote hearing. These include most probate matters, as well as civil actions, name changes, and personal protection orders.

JIS Code: CIF

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY SAGINAW	CONTACT INFORMATION <input type="checkbox"/> AMENDED	CASE NO. and JUDGE
---	---	--------------------

Court address 111 S. Michigan Avenue, Saginaw, MI 48602	Court telephone no. 989-790-5279
--	-------------------------------------

This form is confidential and not to be served on other parties in this case. Any contact information below that has already been provided or is provided in the future in a public court filing or through the MIFILE system will not be made confidential by this document.

Please provide the following contact information:

- Your name: \_\_\_\_\_  
First, middle, and last name
- a. Telephone number where the court can contact me: \_\_\_\_\_  
This telephone:  can  cannot receive text messages from the court.  
 can  cannot receive voice messages from the court.  
 b. I do not have a telephone number where the court can contact me.
- a. E-mail address where I can receive e-mails: \_\_\_\_\_  
 b. I do not have an e-mail address where I can receive e-mails from the court.

**PLEASE READ AND UNDERSTAND THE FOLLOWING:**  
Upon signing this form, you are consenting to text, e-mail, and/or phone notifications on your court case. If the case is NON-PUBLIC, it is NOT ELIGIBLE for text or phone notifications.

By signing this form, I authorize the Saginaw County Probate court to notify me of upcoming events in this case.  
Name of court

I understand, based on the options chosen above that I will receive text, e-mail, and/or voice notifications to the phone number or e-mail address listed on this form. I also understand that the Saginaw County Probate court is not responsible for any additional fees or charges due to my phone carrier data rates.  
Name of court

In the event that my e-mail, or cell or land line phone number changes, I will notify the court to update their records, and if I fail to do so it will result in the termination of this service from the court.

Privacy Disclaimer: Your contact information is necessary to assist the court in providing important information in a timely manner. Your information will not be sold, distributed, or shared with any other entity. You can OPT-OUT of the system at any time. Simply reply OPTOUT to any received message.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Approved, SCAO  
Form MC 505, Rev. 4/20  
Page 1 of 1

STATE OF MICHIGAN  
 JUDICIAL DISTRICT  
 JUDICIAL CIRCUIT  
 SAGINAW COUNTY PROBATE

NOTICE OF HEARING  
 WITH REMOTE PARTICIPATION

CASE NO/JUDGE

Court address: **111 S Michigan Ave, Saginaw MI 48602**

**989-790-5320**

Plaintiff's name, address, and telephone no.

Defendant's name, address, and telephone no.

Plaintiff's attorney, bar no., address and telephone no.

Defendant's attorney, bar no., address and telephone no.

In the matter of \_\_\_\_\_

**TAKE NOTICE:** A hearing will be held on \_\_\_\_\_, before **JUDGE PATRICK J. McGRAW** using the remote access technology explained below, for the following purpose:

Technical instructions for participating in the remote hearing:

**Using a computer with video and audio capabilities (preferred) or smartphone, please login as follows:**

**If you are logging in with Zoom App:** Meeting ID 524 305 3790

**If you are logging in from Internet, click on the link:** <https://mscaa.zoom.us/j/5243053790>

**If you are logging in via Polycom:** Dial: 162.255.37.11##5243053790

**Video, audio, or photographic recording or duplication of any court proceeding without prior order of court is strictly prohibited. Violators are subject to sanctions, including contempt of court.**

**Please also find SCAO form MC 505 to be used if contact is necessary. Please provide ONLY TO THE COURT.**

Please confirm that you can participate remotely by e-mailing you at \_\_\_\_\_ (e-mail address) or at \_\_\_\_\_ (Telephone No.). **Please also notify all other parties of your ability to participate.**

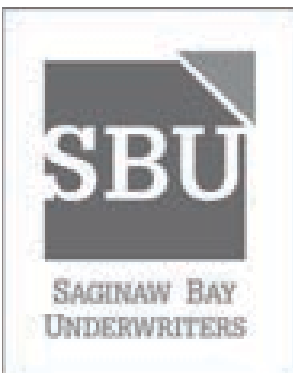
If you require accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

General guidelines for participation in a remote court hearing:

- Download and become familiar with the program being used for the hearing, and test the video, microphone, and speaker controls.
- If you having technical issues, please review any technical support provided by the program or application.
- Find a space that will have as few interruptions as possible. If you will be using video make sure there is good lighting.
- The remote court hearing is a court proceeding and therefore an extension of the courtroom – appropriate conduct and attire is required.
- The judge has control over the proceedings and participants as if they were present in the actual courtroom.
- The information on this form to join the hearing may only be used by **you** to participate in the hearing.

Approved, SCAO  
 Form MC 506, Rev. 4/20  
 Page 1 of 1

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## BANKRUPTCY CASE NOTES

By: Jack Weinstein

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The following article was written by Bankruptcy Judge Brian Lynch of the Western District of Washington which is a follow-up to my article published in the May issue of *The Summons*:

*United Student Aid Funds, Inc. v. Espinosa Ten Years After*

“When the Supreme Court issued *United Student Aid Funds, Inc. v. Espinosa* on March 23, 2010, commentators were perplexed. On the one hand, the Court upheld the 9th Circuit’s ruling allowing a hardship discharge of student loans in a chapter 13 plan. The Court held that even though the discharge was not done by means of an adversary hearing under Rule 7001(6), and the Court did not make a finding of undue hardship under 11 U.S.C. 523(a)(8), those requirements were not jurisdictional (and therefore could not be set aside under F.R.C.P. 60(b)(4)) if the creditor was given the requisite notice to satisfy its due process rights.

Having handed student loan debtors an unexpected win, the Court then walked back much of the effect of that holding, when it ruled that a bankruptcy court

must make its own independent analysis of whether the debtor can prove undue hardship. This was contrary to the 9th Circuit’s holding that if the creditor did not object it was not the judge’s role to object, and bankruptcy courts must confirm a plan proposing discharge of a student loan debt unless the creditor timely raises a specific objection. The Supreme Court disagreed with the 9th Circuit: ‘[T]o comply with §523(a)(8)’s directive, the bankruptcy court must make an independent determination of undue hardship before a plan is confirmed, even if the creditor fails to object or appear in the adversary proceeding.’ [Emphasis added.]

So what has happened to *Espinosa* in the last ten years?

1. Final Orders Violating the Bankruptcy Code or Rules May not be Vacated as Void if the Court Had Jurisdiction and the Creditor Received its Due Process Rights.

At least six circuits have relied on *Espinosa* in other bankruptcy settings. An example is *Wells Fargo, N. A. v. AMH Roman Two NC, LLC*, where the 4th Circuit up-

held a bankruptcy court order on a motion for relief from the automatic stay determining the priority of competing deeds of trust and canceling a deed of trust without an adversary proceeding. The Circuit held that the bankruptcy court had jurisdiction to grant the relief requested, and the failure to follow proper procedural rules did not rise to the level of a “jurisdictional flaw.” And the Circuit concluded that the proceeding did not violate due process rights because Wells Fargo received actual notice and failed to object.

## 2. Courts are Exercising Their Duty under *Espinosa* to Challenge Plan Provisions Which Are Contrary to the Code and Rules Even When Creditors Do Not Object.

The author has found no case upholding a student loan hardship discharge determination other than by means of an adversary since *Espinosa*. Moreover, courts have applied *Espinosa*’s dictate to raise Code and Rule violations *sua sponte* in other settings. In *In re Donson*, the Court held that a debtor seeking to discharge what

the ex-spouse contended was a domestic support obligation, cannot do so by claim objection in the main case, even when the ex-spouse failed to respond to the objection or attend the hearing. In *In re Madera*, the Court *sua sponte* objected to various non-standard provisions proposed by the debtors in their plan, which provided for relief not permitted under the Bankruptcy Code. And in *In re Martin*, the Court denied confirmation of a plan which would have modified the principal balance and interest rate of a mortgage on the debtors’ principal residence, even though the creditor did not object.

## 3. But Courts Interpreting *Espinosa* Have Also Held That the Obligation of a Court to *Sua Sponte* Challenge Plan Provisions Does Not Extend to Plan Provisions Which Are Not “Self-Executing.”

After overruling the 9th Circuit statement that a court must confirm a plan providing for discharge of a student loan without a determination of undue hardship in an adversary proceeding, absent a creditor’s specific exception, *Espi-*

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nosa went on to state:

‘Failure to comply with this self-executing requirement [§§ 523(a)(8) and 1328(a)(2)] should prevent confirmation of the plan even if the creditor fails to object, or to appear in the proceeding at all...’[Emphasis added.]

The Supreme Court mentions repeatedly that the requirement of an undue hardship determination is “self-executing.” What does the Court mean by the term “self-executing” requirement? In *Briggs v. John*, the court looked at this language on an appeal from a bankruptcy court ruling raising a disposable income issue. In *Briggs*, neither the trustee nor a creditor had raised an issue about the debtor’s disposable income under §1325(b)(1), but the bankruptcy court did. The debtor appealed and the court in *Briggs* analyzed that the issue was whether the disposable income test was “self-executing” as that term is used in *Espinosa*.

The *Briggs* court compared the student loan discharge language in §523(a)(8) with the disposable income provision in §1325(b)(1), and noted the presence of a subordinate clause in §1325(b)(1) which had no counterpart in §523(a)(8): “If the trustee or the holder of an allowed unsecured claim objects to the confirmation of the plan, then the court may not approve the plan unless....” The court in *Briggs* went on to state:

“The presence of this additional clause assigning a role to persons other than the debtor and the bankruptcy court distinguishes

the two provisions. In the absence of any additional indication that §1325(b)(1) requires a debtor to initiate a proceeding, this Court holds that §1325(b)(1) is not self-executing. [Emphasis added.]

In short, *Briggs* holds that only a trustee or an unsecured creditor can raise a disposable income objection and that makes the disposable income test not self-executing. The Court goes on to hold that the bankruptcy court could not object sua sponte to a plan based on the mere fact that it believed *Briggs*’s proposed plan improperly calculated her disposable income.

*Briggs* cites the case of *In re Cromwell*, where the bankruptcy court held that where neither the Trustee nor any holder of an allowed unsecured claim objects to the applicable commitment

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period proposed in a plan, the plan is confirmable, even if the calculation that the debtor is below median is inaccurate. The applicable commitment period requirement is part and parcel of the disposable income test, and also contained in §1325(b)(1).

None of the other confirmation requirements of §1325 have a clause limiting the right to raise an objection to the trustee or an unsecured creditor. Confirmation requirements like good faith and feasibility apply regardless of whether a party in interest objects, and therefore are self-executing.

#### CONCLUSION

*Espinosa's* holding remains a win for debtors, but its significance on a day to day basis has been diminished by the Supreme Court's language in *Espinosa* that bankruptcy courts "must" make

their own independent determinations regarding "self-executing" provisions of the Code and Rules. Notwithstanding, the "self-executing" proviso leaves a potential important exception for courts, trustees and debtors in the case of disposable income objections. It is rare for unsecured creditors to raise such an objection. This leaves considerable latitude for trustees and debtors to negotiate the disposable income requirement in Chapter 13. Trustees can and do exercise considerable discretion regarding debtors' budgets and items like "miscellaneous" expenses, 401(k) contributions, even rainy-day cushions. And unless the trustee and the debtor cannot work out those issues, under the Briggs analysis, the court may not raise the issue on its own."



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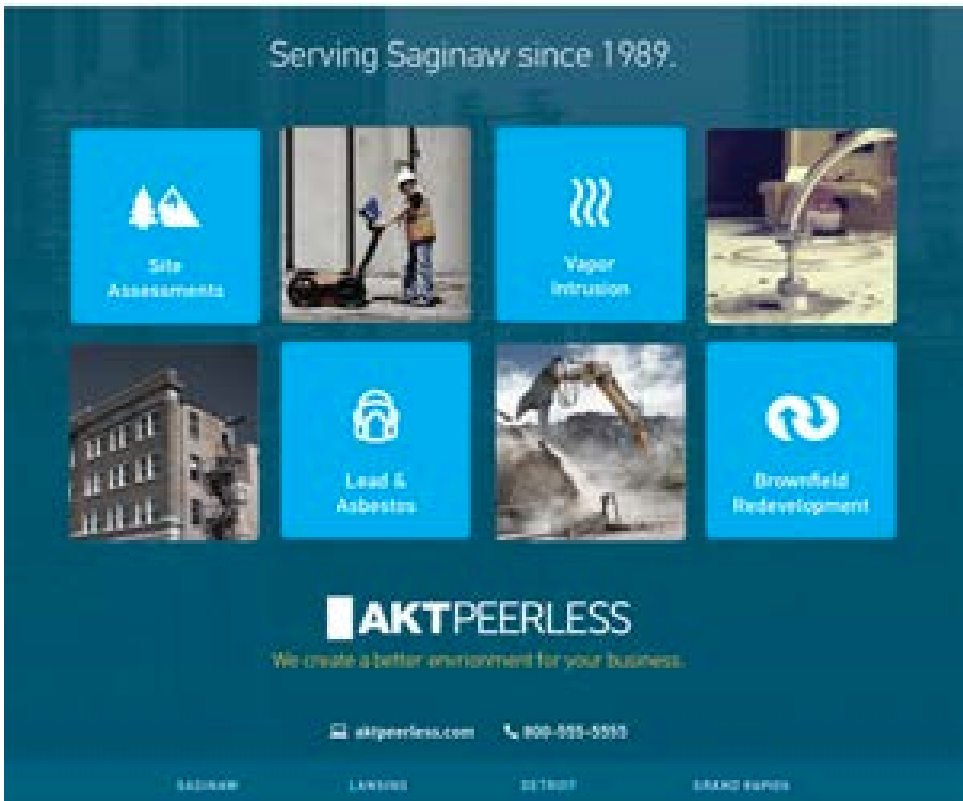
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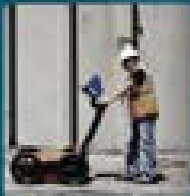






The County receives a file from the State Bar on a weekly basis. That file is then uploaded into our system. Whatever information the State Bar has is then saved into our system. We can change the information in our system, but every week the State Bar file overrides it. The attorneys need to make sure the information at the State Bar is correct. This becomes more and more important as we advance into the electronic world with e-mails.

*Thank you*

*Linda L. James  
District Court Administrator*



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BELOW is information regarding the Community Service Award given every year. PLEASE look it over, **Make a nomination.** We have so many qualified members and I want to hear from you who you think they are.

## **SCBA COMMUNITY SERVICE AWARD**

In 1992 the Saginaw County Bar Association Board of Directors established a Community Service Award. This award is presented to a member of SCBA who has demonstrated an outstanding commitment to volunteer services in his or her community. The award will be presented every year at the annual membership meetings of the SCBA.

### **Award Criteria:**

The recipient should demonstrate one or more of the following:

- A. The contribution of significant time and effort for one or more community organizations or projects.
- B. The organization of or participation in an activity which resulted in extending of a community service which was previously not met.
- C. The length of community service, as well as the quality of service performed, should be considered.

Please submit your nomination with a detailed statement of why this SCBA member should win the SCBA Community Service Award to: [scba@saginaw-county.com](mailto:scba@saginaw-county.com) by August 28th.

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