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Whether you are an individual, small business, or large publicly held corporation, our attorneys are dedicated to delivering skilled legal counsel and exceptional service to our clients.

Law Notes

Summer 2016



A CUSTODIAL BLACK HOLE: PARENTING RIGHTS IN A POST-MARRIAGE EQUALITY ACT WORLD

By John J. Schrot, Jr., Esq.

Technology continues to outpace the law, and logically will always do so. Family Law is not immune from the adverse consequences of playing catch-up. The repercussions are especially difficult when it affects the best interest of children.

The United States Supreme Court in June, 2015, in a 5-to-4 decision declared that marriage is a fundamental right inherent in the liberty of the person. The Court found that liberty extends to "certain personal choices central to individual dignity and autonomy, including intimate choices that define personal identity and beliefs." The Court further found that marriage safeguards children and families. Certainly this decision will affect families in many ways. [Read more.](#)

GOVERNOR SNYDER SIGNS NEW LAW: THE FIDUCIARY ACCESS TO DIGITAL ASSETS ACT

By Timothy E. Harden, Esq.

The "Fiduciary Access to Digital Assets Act" took effect on June 27, 2016.

WHAT IS A GUN TRUST AND DO I NEED ONE?

By Randolph T. Barker, Esq.

With greater nationwide discussion regarding the use and ownership of firearms, a commonly-overlooked issue relates to the transfer of those firearms to beneficiaries upon death. It is estimated that nearly 40% of households in the United States own one or more firearms, and compliance with state and federal laws is of paramount concern to gun owners mindful of their safety and desiring to protect their investment. Developments in the law have also changed the manner in which firearms and accessories may be acquired, possessed and transferred. As a result, gun trusts have increasingly become critical to estate planning. [Read more.](#)

DOES YOUR COMMERCIAL INSURANCE POLICY CONTAIN A PROTECTIVE SAFEGUARD ENDORSEMENT? SHOULD IT?

By Mark E. Straetmans, Esq.

A common endorsement often found in commercial property insurance policies is the Protective Safeguards Endorsement ("PSE"). This endorsement is often added to a policy because the insured property is equipped with some mechanism that arguably lessens the risk of loss assumed by the insurance company issuing the policy. Typical

What is the Act?

This Act allows a fiduciary who falls into one of four categories to access your “digital assets.” The four categories are: (1) a person acting under a Will or Durable Power of Attorney; (2) a Personal Representative of a probate estate; (3) a Trustee of a trust created by that person; or (4) a court-appointed Conservator. Importantly, the Act applies even if any of these began before the Act took effect. Finally, it is possible for you to override these categories, if you can designate someone through the account itself.

For example, Facebook allows you to name a “Legacy Contact,” which can be accessed through your account settings. Anyone named there would have priority over the other categories, but just for Facebook.

[Read more.](#)

safeguard devices which can be listed in the PSE are sprinklers, centrally monitored fire alarms and security service contracts. [Read more.](#)

**NO NEED TO FIGHT OVER MY DEAD BODY!
MICHIGAN LAW NOW AUTHORIZES
DESIGNATION OF A FUNERAL
REPRESENTATIVE
By Patrice M. Ticknor, Esq.**

Michigan law was recently amended to update and simplify the process for making and carrying out funeral arrangements after a person’s death. 2016 PA 57 revises the order of priority of the individuals who are presumed to have the right and power to make decisions about funeral arrangements and the disposition of a deceased person’s body. Currently, a decedent’s surviving spouse, adult children, other adult descendants, parents, and next of kin are presumed to have the right to make such decisions in that order of priority. [Read more.](#)

Firm News

- [Firm receives sanctions award against opposing counsel in defense of a case alleging excessive force by police officers](#)
- [Sandro DiMercurio joins firm as attorney](#)
- [Firm sponsors annual golf outing for Spectrum Human Services](#)
- [John J. Schrot, Jr. was selected as one of the State of Michigan’s “Top 10” Family Law Attorneys by the National Academy of Family Law Attorneys and was cited in Michigan Lawyers Weekly](#)
- [Sheryl Laughren and Andrea Pike present at 2016 MALA Conference](#)
- [Tim Harden presents tax seminar for real estate agents](#)
- [Law clerk, Ivanna Iwaszykiw, completed her second year in a dual law degree program through University of Detroit Mercy and University of Windsor](#)
- [Intern, Regina Gilmour, completed her first year at University of Michigan Law School](#)



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