

MACOMB CIRCUIT COURT CASE EVALUATOR APPLICATION

(Not to be used by ADR Mediator Applicants)

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Applicants may submit applications in teams of three for approval.

If this is a team request, please list the last names of the other two applicants:

To serve as a case evaluator in Macomb County Circuit Court, an applicant must meet the following minimum qualifications:

- An applicant must have been a practicing lawyer for at least five years.
- An applicant must be a member in good standing of the State Bar of Michigan.
- An applicant must reside, maintain an office, or have an active practice (litigation and/or mediation) in Macomb County.
- An applicant must demonstrate that a substantial portion of his/her practice for the last 5 years has been devoted to civil litigation matters including investigation, discovery, motion practice, case evaluation, settlement, trial preparation, and/or trial.
- An applicant must demonstrate an active practice for the last three years in the area of personal injury/negligence, medical malpractice, product liability, commercial, labor and employment, or complex commercial to qualify for those specialized sublists.

Jay A. Schwartz

P# 45268

Full Name

Residence address

37887 W. Twelve Mile, Rd, Suite A, Farmington Hills, MI 48331

Home Telephone No.

(248) 553-9400

Business address (if different from residence address)

Schwartz Law Firm, P.C.

Business Telephone No.

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Current Employer's Name

N/A

Number of years with employer

N/A

Previous Employer's Name

Number of years with employer

Fax: (248) 553-9107

E-mail address: jschwartz@schwartzlawfirmnpc.com

PART A: General Information

New Application Renewal Application

1. When were you admitted to the practice of law (month/day/year)? November 1991

2. Are you a member in good standing of the State Bar of Michigan? Yes No

3. Have you ever been disciplined by the Michigan Attorney Discipline Board or any other

state or federal agency or court? If yes, explain on an attachment. Yes No

4. Have you served as a case evaluator? Yes No. If yes, please describe on an attachment.
5. Do you qualify for service in this jurisdiction by (a) residing in Macomb County (b) maintaining an office in Macomb County, or (c) an active practice in Macomb County?
6. Please provide factual support for your qualification(s) under question 5 by providing a description of your "active practice" on an attachment.
7. Please demonstrate that a substantial portion of your practice for the last 5 years has been devoted to civil litigation matters, including investigation, discovery, motion practice, case evaluation, settlement, trial preparation, and/or trial, as required by MCR 2.404(B)(2)(c) on an attachment.
8. Panel sought (select no more than two):

General Civil

- | | | | | | |
|---|------------------------------------|-------------------------------------|---------|--------------------------|----------|
| <input type="checkbox"/> Personal Injury/Negligence | <input type="checkbox"/> Plaintiff | <input checked="" type="checkbox"/> | Neutral | <input type="checkbox"/> | Defense) |
| <input type="checkbox"/> Medical Malpractice | <input type="checkbox"/> Plaintiff | <input checked="" type="checkbox"/> | Neutral | <input type="checkbox"/> | Defense) |
| <input type="checkbox"/> Product Liability | <input type="checkbox"/> Plaintiff | <input checked="" type="checkbox"/> | Neutral | <input type="checkbox"/> | Defense) |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Plaintiff | <input checked="" type="checkbox"/> | Neutral | <input type="checkbox"/> | Defense) |
| <input type="checkbox"/> Labor and Employment | <input type="checkbox"/> Plaintiff | <input checked="" type="checkbox"/> | Neutral | <input type="checkbox"/> | Defense) |
| <input type="checkbox"/> Complex Commercial | <input type="checkbox"/> Plaintiff | <input checked="" type="checkbox"/> | Neutral | <input type="checkbox"/> | Defense) |

PART B: For Specialized Lists

Complete Part B if you are applying for service on a Specialized List (i.e. personal injury/negligence, medical malpractice, product liability, commercial, labor and employment, and complex commercial) pursuant to MCR 2.404(B)(4).

1. In your practice, do you primarily represent:

Plaintiffs Defendants Not identifiable

2. Indicate the percent of your current practice in the following areas:

Personal Injury/Negligence _____% Plaintiff _____% Defendant

Medical Malpractice	_____ % Plaintiff	_____ % Defendant
Product Liability	_____ % Plaintiff	_____ % Defendant
Commercial	50 _____ % Plaintiff	50 _____ % Defendant
Labor and Employment	_____ % Plaintiff	_____ % Defendant
Complex Commercial	_____ % Plaintiff	_____ % Defendant

3. Please demonstrate that you have had an active practice for the past 3 years in the area of law for the Specialized List you are applying as required by MCR 2.404(B)(2)(d) **on an attachment.**

4. How many cases on average have you participated in **case evaluation, facilitation, or mediation** as counsel for a party over the last three years? 10 per year.

5. Have you previously served as a case evaluator, mediator, facilitator, or arbitrator in the past three years? Yes.

6. If so, please identify the forum, location and nature of case(s) heard, frequency of service, and whether you served as plaintiff, defendant, or neutral position.

I've served as a case evaluator in Macomb, Oakland and Wayne County for the last 3 years, sitting approximately twice per year, usually as the neutral.

I'm an arbitrator with the American Arbitrator Association and have been selected as an arbitrator approximately 20 times in the last three years.

I have served as a private mediator/facilitator approximately 3 times in the past three years.

7. How many cases did you resolve by way of settlement over the past three years on an annual basis? 1 Please specify the type of case.

As the mediator/facilitator, I helped settle a commercial dispute between a uniform supplier and a customer, a commercial dispute between a packaging company and an independent contractor, and a commercial dispute between trucking companies.

8. Indicate the percent of your current practice:

Mediation 5 %

Litigation 95 %

CASE EVALUATOR ELIGIBILITY CERTIFICATION

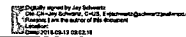
I certify, pursuant to MCR 2.404(B)(1), that I meet the requirements for service under the Macomb County Circuit Court's selection plan and that I will not discriminate against parties, attorneys, or other case evaluators on the basis of race, ethnic origin, gender, or other protected personal characteristic.

September 19, 2018

Date

Jay Schwartz

Signature



PART A: GENERAL INFORMATION

#4 – I have been a case evaluator continuously in Macomb County since 1999, in Oakland County since 1998 and in Wayne County since 1997.

#6 – I represent numerous Macomb County clients and have consistently and actively litigated cases in Macomb County, particularly in Macomb County Circuit Court, since 1991. I am lead counsel on 5 pending cases in Macomb County Circuit Court for 5 separate Macomb County based individuals or entities and can't recall the last instance when I wasn't representing a client in at least one pending case in that court.

#7 – A substantial portion of my practice for the last 5 years has been devoted to civil litigation including investigation, discovery, motion practice, case evaluation, settlement, trial preparation and trial. The following is a list of cases that I can recall litigating in Macomb County during the last 5 years (and I've likely litigated a similar, if not more, number of cases in Oakland, Wayne and/or Federal Court during the same period):

ATCO v Howard Finishings, LLC 16-1935 GC (41A District Court)

Atikian v Kins Accents 17-237 GC (37th District Court)

Bassirpour v GLE Scrap Metal 14-000953-CB (Macomb County Circuit Court)

Salyers v Amerida Enterprises 16-3542-NO (Macomb County Circuit Court)

Comfort Temp v Legacy Construction 17-2456-CB (Macomb County Circuit Court)

Metzler v Van Dyke Partners 17-3235-GC (37th District Court)

Aegis Therapy v Van Dyke Partners 17-3601-CB (Macomb County Circuit Court)

Tedesco Building Services v Legacy Management 17-3953-GC (37th District Court)

Summit Corporate Office v Atwell, LLC 14-2502-CZ (Macomb County Circuit Court)

Legacy Construction Group v E & R Masonry Construction 16-2075-CB (Macomb County Circuit Court)

Standard Electric Company v Windemere Real Estate 16-717-CB (Macomb County Circuit Court)

Summit v Ruby Davis 15-4178-LT (41A District Court)

Summit Corporate Center, LLC v Keybank 13-4210-CK (Macomb County Circuit Court)

Oddo v Desantis 17-3905-CB (Macomb County Circuit Court)

Landscapeone, Inc. v Sanders Management Group 14-2518-GC (41A District Court)

RecycleOne v Blue Sky 15-2206-CB (Macomb County Circuit Court)

Chesterfield v Triple RD 14-1919-CZ (Macomb County Circuit Court)
Clinton Township v Unidig 12-2987-CZ (Macomb County Circuit Court)
Glen v Unidig 11-2757-CZ (Macomb County Circuit Court)
Hall v Unidig 11-2895-CZ (Macomb County Circuit Court)
Turner and Williams v Unidig 12-1709-CZ (Macomb County Circuit Court)
Quarton Partners v C & R Maintenance, Inc. 2012-4189-CK (Macomb County Circuit Court)
RES v Advanced Disposal 14-2707-CB (Macomb County Circuit Court)
RES v Surface Encounters 15-1551-CB (Macomb County Circuit Court)
RES v Dumpster Broker 14-335-CB (Macomb County Circuit Court)
Trendell v GLR Port Huron 18-001987-CB (Macomb County Circuit Court)
Great Lakes v Eagles Industries 16-1183-SC (39th District Court)
Great Lakes v First America Metal 13-3895-CK (Macomb County Circuit Court)

PART B: FOR SPECIALIZED LISTS

#3 – During the last 3 years, I have actively practiced commercial litigation including the investigation, discovery, motion practice, case evaluation, settlement, trial preparation and trial, the majority of which occurred in the business courts in Macomb, Oakland and Wayne Counties. The following is a list of commercial cases that I can recall litigating in Macomb County during the last 3 years (and I've likely litigated a similar, if not more, number of cases in each of Oakland, Wayne and/or Federal Court during the same period):

ATCO v Howard Finishings, LLC 16-1935 GC (41A District Court)
Atikian v Kins Accents 17-237 GC (37th District Court)
Salyers v Amerida Enterprises 16-3542-NO (Macomb County Circuit Court)
Comfort Temp v Legacy Construction 17-2456-CB (Macomb County Circuit Court)
Metzler v Van Dyke Partners 17-3235-GC (37th District Court)
Aegis Therapy v Van Dyke Partners 17-3601-CB (Macomb County Circuit Court)
Tedesco Building Services v Legacy Management 17-3953-GC (37th District Court)

Legacy Construction Group v E & R Masonry Construction 16-2075-CB (Macomb County Circuit Court)

Standard Electric Company v Windemere Real Estate 16-717-CB (Macomb County Circuit Court)

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RecycleOne v Blue Sky 15-2206-CB (Macomb County Circuit Court)

RES v Surface Encounters 15-1551-CB (Macomb County Circuit Court)

Trendell v GLR Port Huron 18-001987-CB (Macomb County Circuit Court)

Great Lakes v Eagles Industries 16-1183-SC (39th District Court)