

PROBATE LAW CASE SUMMARY

BY ALAN A. MAY



Every month I summarize the most important probate cases in Michigan. Now I publish my summaries as a service to colleagues and friends. I hope you find these summaries useful and I am always interested in hearing thoughts and opinions on these cases.

Alan May is a shareholder who is sought after for his experience in guardianships, conservatorships, trusts, wills, forensic probate issues and probate. He has written, published and lectured extensively on these topics.

He was selected for inclusion in the 2007-2021 issues of Michigan Super Lawyers magazine featuring the top 5% of attorneys in Michigan and has been called by courts as an expert witness on issues of fees and by both plaintiffs and defendants as an expert witness in the area of probate and trust law. Mr. May maintains an “AV” peer review rating with Martindale-Hubbell Law Directory, the highest peer review rating for attorneys and he is listed in the area of Probate Law among Martindale-Hubbell’s Preeminent Lawyers. He has also been selected by his peers for inclusion in The Best Lawyers in America© 2022 in the fields of Trusts and Estates as well as Litigation – Trusts & Estates (Copyright 2021 by Woodward/White, Inc., of SC). He has been included in the Best Lawyers listing since 2011. Additionally, Mr. May was selected by a vote of his peers to be included in DBusiness magazine’s list of 2017 Top Lawyers in the practice area of Trusts and Estates. Additionally, he has been designated a “Leading Lawyer” in Trust, Will & Estate Planning Law for the years 2013 to the present (a distinction granted to the top 1% of attorneys in Michigan). Kemp Klein is a member of LEGUS a global network of prominent law firms.

He is a member of the Society of American Baseball Research (SABR).

He is the published author of Article XII: A Political Thriller and Sons of Adam, an International Terror Mystery.

View previous Probate Law Case Summaries online at: <http://kkue.com/resources/probate-law-case-summaries/>.

DT: September 24, 2021

RE: **Baseball Stats – No Boring Probate Article**

STATE OF MICHIGAN COURT OF APPEALS

Kemp Klein Law Firm represents Elder Law of Michigan, a charitable organization and Trustee of the Elder Law of Michigan Pooled Account Trust. Through this relationship, our attorneys administer the Pooled Account Trust for Elder Law of Michigan on a long-term contract. If interested, please contact Cindy Fedewa at 248-528-1111 or cindy.fedewa@kkue.com.

KEMPKLEIN
LAW FIRM

201 West Big Beaver Road, Suite 600, Troy, MI 48084 | Phone: 248.528.1111 | kkue.com

Alan, you cannot write about baseball all your life.

Mrs. Pollinger

12th Grade English Comp

Mumford High —1959

BASEBALL STATS :

Utilizing and understanding statistical probabilities.

There are many statistical probabilities used in judging player performance and in managerial strategy. For instance, using the Ted Williams shift on a left-handed pull hitter. Keep in mind, Ted never hit to left field until he did. This means that probabilities have exceptions.

There are two types of probabilities, mathematical and variable or existential. Mathematical is pure. They can vary based on certain situations, but start from a pure mathematical basis. Existential includes so many variables that you have to decide which are the most important to judge probabilities.

A .300 hitter will make a base hit 3 out of 10 times. That is pure. But to judge that probability you have to look at other factors. For instance, two players are each batting .300. One has no sacrifices, the other 10. Each has 100 at bats. Sacrifices are not at bats. Therefore, one in actuality has 110 at bats. One .300 hitter is actually batting .272, but since he has 30 hits, had he not sacrificed 3 out of 10 of his sacrifices would have been hits, he is now back to .300. This is if all sacrifices were bunts and not sacrifice flies which might have been attempted hits. Not much change, but possible. If one had 10 bases on balls and the other none, the former has better stats because he can statistically move a runner from first to second.

An existential probability would include whether the batter and pitcher are both right or left-handed, is the field wet where a bunt would die, is it a close game where you are trying to move a runner from first to second, can the batter hit behind the runner, can the runner steal, can the batter work the pitcher to get a walk off a good pitch to hit, etc.

Now lets make an analysis of two often used statistics. First, the team that scores first, wins 61 percent of the time.

Suppose the visiting team scores a run in the top of the first. The math holds. BUT if the home team scores that run in the bottom of the first, the odds aren't the same mathematically, not existentially. This is because the visiting team has eight innings to tie the game, whereas the home team would have had nine if the visiting team had scored first. That is a percentage increase of .11 raising the probability to .72%.

Now the existential variables or modifiers. The team scores first, but they have 4 runs rather than one, the batting team is knocking around a good starter to knock him out of the game, it rains and the game ends after 4 ½ innings etc.

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BASEBALL STATS:

The second often used stat. If the first batter in an inning gets to first, he will score 50% of the time. Doesn't matter if the pitcher hit him, he walked or got a single. Let us now apply existential variables. Who is the next batter up? Does he often hit into double plays, can he bunt and bunt well, what is the score, does it matter if the runner must move to second or is the team looking for a big inning, is he likely to move the runner to third rather than second, suppose the first man up is the pitcher (National league), must the manager leave him in the game or can he afford to put in as pinch runner, etc. As you can see, the exigencies of the game are more valid than the math.

Conclusion, math is only a starting point. To enjoy the game or make a judgment, you have to know the situation. A fielder with a lower fielding percentage than his counter-part may be better because he tries to make catches the other is too slow to reach.