

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Frances Kay Behm, F. Kay Behm, Kay Behm, and Frances Kay Courter

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Eastern District of Michigan

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Genesee County Circuit Court
900 South Saginaw Street, Room 307
Flint, Michigan 48502

Residence: Grand Blanc, Michigan

4. **Birthplace:** State year and place of birth.

1969; Alma, Michigan

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1991 – 1994, University of Michigan Law School; J.D., 1994

1987 – 1991, Albion College; B.A. (*summa cum laude*), 1991

1989, University of Stirling; no degree (study abroad program)

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2009 – present
7th Judicial Circuit/Probate Court, Genesee County
900 South Saginaw Street, Room 307
Flint, Michigan 48502
Genesee County Probate Judge assigned to the Circuit Court

2008 – 2009
F. Kay Behm, PC
801 South Saginaw Street
Suite 100, Phoenix Building
Flint, Michigan 48502
Sole Practitioner

1997 – 2008
Winegarden, Haley, Lindholm, Tucker & Himelhoch, PLC (f/k/a Winegarden, Haley, Lindholm & Robertson, P.L.C. and Winegarden, Shedd, Haley, Lindholm & Robertson, P.L.C.)
9460 Saginaw Road, Suite A
Grand Blanc, Michigan 48439
Associate Attorney

1994 – 1997
Braun Kendrick Finkbeiner, P.L.C.
4301 Fashion Square Boulevard
Saginaw, Michigan 48603
Associate Attorney

Summer 1993
Frost and Jacobs, LLP
201 East Fifth Street
Cincinnati, Ohio 45202
Summer Associate

Summer 1992
Dykema Gossett, PLLC
300 Ottawa Avenue, Northwest, Suite 700
Grand Rapids, Michigan 49503
Summer Associate

Other Affiliations (uncompensated)

2015 – present
Michigan Probate Judges Association
1536 Gull Road
Probate Court, Kalamazoo County Courthouse
Kalamazoo, Michigan 49048

Executive Board (2015 – present)
Secretary (2019 – 2020)
Treasurer (2020 – 2021)
Vice President (2021 – 2022)

2015 – present
Food Bank of Eastern Michigan
2300 Lapeer Road
Flint, Michigan 48503
Member, Board of Directors

2012 – present
Big Brothers Big Sisters of Flint and Genesee County
1176 Robert T. Longway Boulevard
Flint, Michigan 48503
Member, Board of Directors
2nd Vice President (2019 – present)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Genesee County Bar Association Brian M. Barkey Community Service Award (2018)

Michigan Lawyer's Weekly Women in the Law Recipient (2017)

Priority Children's Nominee for Children's Champion Award (2017)

Albion College

Mortar Board Honorary Society (National Honor Society for scholarship, leadership, and service) (1991)

Omicron Delta Epsilon Economics Honorary Society (a major in economics department with a GPA of 3.0 or higher) (1991)

Phi Beta Kappa (1991)

Summa cum laude with honors (1991)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Centennial American Inns of Court, Member (1997 – 1999; 2010 – 2017)

Federal Bar Association - Eastern District of Michigan Chapter, Member (2013 – present)

Flint Estate Planning Council, Member (2003 – 2008)

Genesee County Bar Association, Member (1997 – present)

Bench and Bar Committee (2013 – present)

Probate and Estate Planning Committee (2008 – present)

Michigan Court Forms Committee regarding delinquency, minor, personal protection, and traffic/ordinance, Member (2009 – 2014)

Michigan Probate Judges Association (2009 – present)

Vice President (2021 – 2022)

Treasurer (2020 – 2021)

Secretary (2019 – 2020)

Executive Board Member (2015 – 2022)

Chair of Domestic Relations Committee (2013 – 2018)

Saginaw County Bar Association, Member (1994 – 1996)

Community Services Committee (1994 – 1996)

State of Michigan Bar Association, Member (1994 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Michigan, 1994

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court, 2005

United States District Court for the Eastern District of Michigan, 1995

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Behm Properties, LLC, Member (2012 – present)

Big Brothers Big Sisters of Flint and Genesee County

Board of Directors, Member (2012 – present)

2nd Vice President (2019 – present)

Board Development Committee, Member (2015 – present)

Ele's Place, Community Leader (2013 – 2014)

Flint Institute of Arts, Volunteer (1996 – 2020)

Flint Youth Initiative

Lunch Buddy Program Participant (2013 – 2021)

Food Bank of Eastern Michigan

Board of Directors, Member (2015 – present)

Personnel Committee, Member (2015 – present)

Junior League of Flint (1998 – 2002)

University of Michigan Alumni Association (2015 – present)

YWCA Greater Flint

Finance Committee, Member (1997 – 2002)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national original, either through formal membership requirements or the practical

implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

“Contempt of Court Benchbook,” Fifth Ed. Michigan Judicial Institute (MJI) (Jan. 2022). Copy supplied.

“Michigan Shared Parenting Act,” Genesee County Bar Association Bar Beat (Jan./Feb. 2018). Copy supplied.

“Parent Representation Project,” Genesee County Circuit and Probate Courts e-newsletter (July 2016). Copy supplied.

“Social Worker Program in Genesee County,” Michigan Probate Judges Association quarterly publication (Mar. 2015). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

From 2020 to 2021, I served as the Treasurer for the Michigan Probate Judges Association. In that capacity, I prepared financial reports for the organization for the quarterly and annual meetings of the Board of Directors. Copies of those financial reports are attached.

From 2019 to 2020, I served as the Secretary for the Michigan Probate Judges Association. In that capacity, I prepared meeting minutes for the quarterly meetings held by the Board of Directors. Copies of those minutes are attached.

From 2013 to 2018, I served as the Chair of the Domestic Relations Committee for the Michigan Probate Judges Association. In that capacity, I prepared reports on pending or proposed legislation that may be relevant to Michigan law regarding domestic relations. Copies of those reports are attached.

Since 2015, I have served on the Board of Directors for the Food Bank of Eastern Michigan. Each year the organization publishes an online annual report. While my name is listed in the reports because of my position as a member of the Board of Directors, I do not have a role in drafting or reviewing them. Annual reports

since I have been a board member are supplied.

Since 2015, I have served on the Executive Committee for the Michigan Probate Judges Association. The Executive Committee votes on the position that the Michigan Probate Judges Association will take with regard to proposed legislation. As a result of these votes, the Executive Committee will sometimes direct the Michigan Probate Judges Association President, or his or her designee, to draft a resolution or letter stating the Michigan Probate Judges Association's position, and it is therefore issued on Michigan Probate Judges Association letterhead. Copies supplied of resolutions and letters as follows:

Michigan Probate Judges Association Resolutions

2021 – 7	Opposition to SBs 597 and 598; HBs 4925 – 4929
2021 – 6	Opposition to SB 527
2021 – 5	Opposition to SB 526
2021 – 4	Support to HB 4222 and 4223
2021 – 3	Opposition to HB 4164
2021 – 2	Opposition to HB 4447
2021 – 1	Opposition to HB 4090
2020 – 6	Support of SBs 464, 465, and 862
2020 – 5	Support of SBs 681 and 682
2020 – 4	Support of SB 854
2020 – 3	Opposition to HB 5795
2020 – 2	Opposition to SB 798
2020 – 1	Support of HB 5442
2019 – 3	Opposition to HB 4802
2019 – 2	Support of SBs 427 and 428
2019 – 1	Opposition to SB 110
2018 – 9	Opposition to HB 4751
2018 – 8	Support of SBs 973 and 974
2018 – 7	Support of Mental Health Legislation
2018 – 6	Support of Amicus Brief Title IV – E process
2018 – 5	Opposition to SB 713
2018 – 4	Opposition to HB 4691
2018 – 3	Support of HB 4752
2018 – 2	Support of Chief Judge Rule Recommendations
2018 – 1	Opposition to Juvenile Restraints Court Rule
2015 – 1	Position on Reforming Kevin's Law

I have served on the Board of Directors for Big Brothers Big Sisters of Flint & Genesee County since 2012. The organization publishes reports, memoranda and

other statements online at www.bbbsflint.org. While my name is listed on the website as a board member, I do not participate in the drafting, reviewing, or publishing the items posted on the website.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have testified before the State of Michigan House Judiciary Committee on two occasions. I testified on behalf of Michigan Probate Judges Association on October 13, 2015, regarding proposed legislation, HB 4107 – “family law; marriage and divorce; veteran disability compensation; exclude from marital estate.” I testified prior to that time regarding the general duties and jurisdiction of the probate court. The specific hearing date was not available in the records of the Michigan House of Representatives. No transcript or other record is available.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

June 1, 2022: Presiding Judge, Genesee County Bar Association new attorney admission ceremony. Genesee County Courthouse, 900 South Saginaw Street, Flint, Michigan 48502. Recording supplied.

April 25, 2021: Panelist, Ask a Judge Anything, Michigan Chapter of Demand Justice, Grosse Pointe, Michigan. The Zoom panel involved questions from individuals who were interested in becoming a trial court judge. I have no notes, transcript, or recording. The address for Michigan Demand Justice is 17000 Kercheval Street, No. 211, Grosse Pointe, Michigan 48230.

November 3, 2020: Speaker, How COVID has impacted the Business Court; tips/advice for technology and advice for Business Court litigators, Oakland County Bar Association, Pontiac, Michigan. This Zoom presentation was on using technology during the COVID Pandemic. I have no notes, transcript, or recording. The address for the Oakland Bar Association, Business Court and Counsel Committee, is 1760 South Telegraph Road, Suite 100, Bloomfield Hills, Michigan 48302.

November 9, 2017: Speaker, Effective Use of Guardians Ad Litem in custody cases, Institute for Continuing Legal Education, Novi, Michigan. I spoke about the benefits of appointing a guardian ad litem on behalf of minor children in contested custody disputes. I have no notes, transcript, or recording. The address for the Institute of Continuing Legal Education is 1020 Greene Street, Ann Arbor, Michigan 48109.

June 26, 2017: Speaker/Panelist, Rights to a jury trial by a third-party in a divorce, best interest findings on consent judgments for divorce and custody and parenting time orders in prosecutor actions to establish child support, Michigan Probate Judges Association, Grand Rapids, Michigan. Materials supplied.

July 18, 2016: Speaker/Panelist, Best practices in finding indirect contempt of court, Michigan Probate Judges Association, Black Lake, Michigan. I discussed best practices in divorce proceedings that involved custody disputes. I have no notes, transcript, or recording. The address for the Michigan Probate Judges Association is 1536 Gull Road, Kalamazoo, Michigan 49408.

November 20, 2015: Panelist, As Judges See It, National Business Institute Seminar, Southfield, Michigan. The panel was on business issues in family law. I have no notes, transcript, or recording. The address for the National Business Institute is 1218 McCann Drive, Altoona, Wisconsin 54720.

June 23, 2015: Speaker, Recent decisions regarding paternity under the Revocation of Paternity Act, Michigan Probate Judges Association, Gaylord, Michigan. Materials supplied.

April 24, 2015: Speaker, The use of independent social workers in child protective proceedings, Court Improvement Program, Lansing, Michigan. I spoke about how independent social workers could be utilized in child protective proceedings. I have no notes, transcript, or recording. The address for the Court Improvement Program is 925 West Ottawa, Lansing, Michigan 48909.

December 2014 (specific date unknown): Panelist, The use of independent social workers in child protective proceedings, Michigan Court Improvement Program Region 5 Forum, Chicago, Illinois. I spoke about how independent social workers could be utilized in child protective proceedings. I have no notes, transcript, or recording. The address for the Michigan Court Improvement Program is 925 West Ottawa, Lansing, Michigan 48909.

November 14, 2013: Speaker, Litigating a Spousal Support Case, Institute of Continuing Legal Education, Plymouth, Michigan. Materials supplied.

May 22, 2012: Speaker, Courtroom procedures during child protective proceedings, State of Michigan Department of Health and Human Services, Plymouth, Michigan. The speech was part of a training seminar for new DHHS

case workers. I have no notes, transcript, or recording. The address for the State of Michigan Department of Health and Human Services is 333 South Grand Avenue, P.O. Box 30195, Lansing, Michigan 48909.

March 22, 2012: Guest Lecturer, Providing a perspective from the bench regarding child protective proceedings, University of Michigan Law School - Bergstrom Child Welfare Training Program, Ann Arbor, Michigan. I spoke about child protective proceedings. I have no notes, transcript, or recording. The address for the University of Michigan Law School is 625 South State Street, Ann Arbor, Michigan 48109.

2010 – 2013 (specific dates unknown): Guest Judge for middle school debates, Tri County Area League of Debate Club, Fenton, Michigan. I volunteered as a guest judge for final debates. I have no notes, transcript, or recording. The address for the Tri County Area League of Debate Club is 11352 Hegel Road, Goodrich, Michigan 48438.

2008 – 2012 (specific dates unknown): Guest Speaker, Law Day at local school districts, Genesee County, Michigan. I have spoken at several Law Day observances. I have no notes, transcript, or recording. The addresses for the schools are: Cook Elementary School, 4433 East Cook Road, Grand Blanc, Michigan 48439; Mason Elementary School, 4455 East Cook Road, Grand Blanc, Michigan 48439; Bendle Middle School, 2294 East Bristol Road, Burton, Michigan 48529; Bendle High School, 2283 East Scottwood Avenue, Burton, Michigan 48529; and Swartz Creek High School, 1 Dragon Drive, Swartz Creek, Michigan 48473.

April 30, 2010: Law Day Judge, Genesee County Bar Association, Flint, Michigan. I participated as a Law Day Judge for high school mock trial competitions. I have no notes, transcript, or recording. The address of the Genesee County Bar Association, 315 East Court Street, Flint, Michigan 48502.

In addition to the events listed above, I have participated in various panels for the Genesee County Bar Association since becoming a judge in 2009, including its Young Lawyers Seminars, Family Law Seminars, and the Centennial Inns of Court. I have also volunteered to speak at local schools to elementary, middle, and high school students. I am unable to identify specific events or dates and there were no notes, recordings, or transcripts. The address for the Genesee County Bar Association is 315 East Court Street, Flint, Michigan 48502.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Douglas L. Toering and Emily S. Fields, *Touring the Business Courts*, Michigan Business Law Journal, Volume 39, Issue 2, Summer 2019. Copy supplied.

Jared Wadley, *Representing kids: U-M's Child Advocacy Law Clinic a voice for Michigan children, families*, University of Michigan News, July 8, 2019. Copy supplied.

Thomas Franz, *Profiles of 2017 Women in the Law honorees*, Michigan Lawyers Weekly, Sept. 11, 2017. Copy supplied.

Class Notes, University of Michigan Law School Law Quadrangle, Fall 2017. Copy supplied.

Dan Murphy, *That time Jim Harbaugh became Michigan's most famous law clerk*, ESPN, June 20, 2017. Copy supplied.

Parents and Children Involved in Child Protective Proceedings in Genesee County Benefit from Parent Representation Project, Michigan Courts News Release, June 21, 2016. Copy supplied.

Justin Hinkley, *Parents face uphill fight in CPS cases*, Livingston County Press, Feb. 28, 2016. Copy supplied.

Ryan Garza, *New Probate Judge F. Kay Behm Welcomes Challenge of the Bench*, The Flint Journal, Apr. 15, 2009. Copy supplied.

April 2009: Guest Speaker, "Know the Law" radio talk show, Flint, Michigan. I was interviewed by a local attorney and radio talk show host, Terry Bankert, Flint, Michigan. The speech was a call-in show regarding general legal topics. I have no transcript or recording.

Bryn Mickle, *Attorneys line up for probate opening*, The Flint Journal, March 30, 2009. Copy supplied.

Marjory Raymer, *Court battle looms over historic homes*, The Flint Journal, Jan. 2, 2007. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I was appointed by Governor Jennifer Granholm to the Genesee County Probate Court in April 2009 and began serving in May 2009. On November 2, 2010, I was elected to complete my predecessor's term through December 31, 2012. On November 6, 2012, I was elected to a full six-year term for the Genesee County Probate Court. On November 6, 2018, I was elected to a second full six-year term for the Genesee County Probate

Court. Since my appointment, I have continuously been assigned to the Genesee County Circuit Court. I was assigned to the Circuit Court-Family Division from May 2009 until December 2018, and I am currently assigned to the General Civil/Criminal Division/Business Court. As needed, I also preside over Probate Court matters. Michigan probate courts have exclusive jurisdiction over decedent estates and trusts and concurrent jurisdiction over ancillary matters. Michigan circuit courts are trial courts of general jurisdiction, handling all types of criminal, civil, and juvenile matters. As approved by the Michigan Supreme Court, Genesee County, Michigan has adopted concurrent jurisdiction which allows for its judges to be cross-assigned to its various courts.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

While serving on the Family Division between May 2009 and December 2018, I presided over approximately 1,600 bench trials and three jury trials. Since being assigned to the General Civil/Criminal Division/Business Court in January 2019, I have presided over 16 bench trials and 18 jury trials. Overall, I have presided over approximately 13,750 cases that went to verdict, or were decided at a bench trial, resolved through entry of a judgment, settled (with a later signed judgment), were non-suited, and/or were dismissed.

- i. Of these cases, approximately what percent were:

jury trials:	1%
bench trials:	99%

- ii. Of these cases, approximately what percent were:

civil proceedings:	60%
criminal proceedings:	40%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

As a state trial court judge, most of my opinions are unreported decisions that the clerk's office disseminates to the parties involved in the case and maintains as part of the court record. Additionally, given the volume of cases over which I preside, I frequently issue oral opinions on the record from the bench. The following are the only opinions of mine for which I was able to locate citations on publicly accessible databases:

Doe v. General Motors LLC, 2020 WL 12833269 (Mich. Cir. Ct. Oct. 2, 2020)

People v. Barritt, 2020 WL 12740553 (Mich. Cir. Ct. Sept. 16, 2020)

People v. Barritt, 2020 WL 12740551 (Mich. Cir. Ct. June 19, 2020)

People v. Barritt, 2020 WL 12740552 (Mich. Cir. Ct. June 19, 2020)

Kings Lane GP, Inc. v. Kings Lane Ltd. Dividend Housing Assoc. Ltd. Lane Partnership, 2020 WL 12740523 (Mich. Cir. Ct. Jan. 8, 2020)

Watson v. Genesys Reg. Med. Ctr., 2020 WL 9439529 (Mich. Cir. Ct. Jan. 3, 2020)

Watson v. Genesys Reg. Med. Ctr., 2019 WL 12251931 (Mich. Cir. Ct. Nov. 1, 2019)

Elder v. McGee and General Motors, LLC, 2019 WL 11722315 (Mich. Cir. Ct. Oct. 3, 2019)

Watson v. Genesys Reg. Med. Ctr., 2019 WL 12251932 (Mich. Cir. Ct. Sept. 25, 2019)

People v. Moonan, 2019 WL 11502872 (Mich. Cir. Ct. Sept. 4, 2019)

Kings Lane GP, Inc. v. Kings Lane Ltd. Dividend Housing Assoc. Ltd. Lane Partnership, 2019 WL 13107785 (Mich. Cir. Ct. July 1, 2019)

Elder v. McGee and General Motors, LLC, 2019 WL 11722316 (Mich. Cir. Ct. July 11, 2019)

Penguin Trucking, Inc. v. E L Hollingsworth & Co., 2019 WL 4458211 (Mich. Cir. Ct. Feb. 5, 2019)

Penguin Trucking, Inc. v. E L Hollingsworth & Co., 2019 WL 4458212 (Mich. Cir. Ct. Jan. 3, 2019)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *People v Nunley*, Genesee County Circuit Court Case No. 20-047301-FC.

In this criminal matter, Defendant was charged with first degree premeditated murder, possession of a firearm by a felon, carrying a concealed weapon and two counts of felony firearm. In addition to presiding over numerous pre-trial hearings, I heard and decided from the bench the People's motion to admit 404(b) evidence of similar acts; Defendant's motion to preclude hearsay evidence of possible motive; the People's motion for grant of immunity; and the People's

motion to exclude any reference to polygraphs and two specified individuals. The matter concluded after a five-day jury trial with the jury finding Defendant not guilty of all counts against him.

Counsel for Defendant
Trachelle C. Young
2501 Saginaw Street
Flint, MI 48505
(810) 239-6302

Counsel for the People
Paul Fehrman
900 South Saginaw Street, Suite 100
Flint, MI 48502
(810) 257-3210

2. *AFSCME Council 25 v. Genesee County*, Genesee County Circuit Court Case No. 20-114988-CZ.

Plaintiffs, on behalf of union members and retirees from Genesee County, sued their former employers seeking to enjoin the county from implementing proposed changes to retirees' healthcare benefits. After extensive arguments and the review of over 70 collective bargaining agreements, for the reasons stated on the record, I granted a motion for preliminary injunction, in part, as to retirees subject to specified collective bargaining agreements. I also heard and decided from the bench Defendant's motion for summary disposition. The parties thereafter negotiated a settlement agreement and the case was dismissed.

Counsel for plaintiff
Robert D. Fetter
7700 Second Avenue, Suite 335
Detroit, MI 48202
(313) 964-4454

Counsel for defendant
Terence Durkin
One Woodward Avenue, Suite 2400
Detroit, MI 48226-6585
(313) 965-7448

3. *The Estate of Melrose v. Nationwide Mutual Insurance Co.*, Genesee County Circuit Court Case No. 19-113455-NF. Opinion supplied.

This matter involved the interpretation and application of July 2020 amendments to Michigan no-fault auto insurance law as applied to Plaintiff's long-term care pursuant to a 1984 no-fault auto insurance contract. In 2019, Defendant insurance

company reduced Plaintiff's benefits, including the rate it would pay for services being provided to Plaintiff. Plaintiff moved for a preliminary injunction to maintain the level of services previously covered. On the record, I granted the petition for a preliminary injunction and the Michigan Court of Appeals affirmed. Defendant insurance company then filed for summary disposition arguing that the new amendments to the no-fault act would limit expenses upon its enactment, and therefore, the case should be dismissed. After extensive briefing and argument, in a written opinion, which is supplied, I denied Defendant's motion, finding that the newly enacted amendments to the no-fault act do not apply retroactively to Plaintiff's 1984 no-fault contract. This matter has been stayed pending an appeal.

Counsel for Plaintiff
Wayne J. Miller
28470 West 13 Mile Road, Suite 300
Farmington Hills, MI 48334
(248) 945-1040

Counsel for Defendant
Rachel A. Bissett
1450 West Long Lake Road, Suite 300
Troy, MI 48098
(248) 641-7600

4. *Watson v Genesys Regional Medical Center*, Genesee County Circuit Court Case No. 18-111381-CZ. Opinion supplied.

Plaintiff brought suit pursuant to the Michigan Elliott-Larsen Civil Rights Act for racial, religious and gender discrimination and retaliation for protected activity in the workplace. Numerous pretrial motions were filed, heard and decided from the bench including: Plaintiff's motion for directed verdict as to liability and/or to strike Defendant's answer and/or motion to compel answers to discovery requests and motion for attorney fees; Plaintiff's motion for leave to file first amended complaint; Plaintiff's motion to extend dates; Plaintiff's motion to compel depositions and/or for protective order and/or for attorney fees and costs; Defendants' motion to adjourn trial; and Defendants' motion to quash trial subpoena for unnamed record custodian. Additionally, I decided three other motions through written opinions and orders, which are supplied, including: Defendants' motion for summary disposition upon which I denied all of Plaintiff's claims except for the discrimination claim based on religion; Defendants' motions in limine; and Defendants post trial petition for costs. After a four-day trial, the jury returned a verdict of no cause of action in favor of the Defendants. Plaintiff appealed my partial denial of her claims upon summary disposition, and the Michigan Court of Appeals affirmed my decision.

Counsel for Plaintiff
Tom R. Pabst

2503 South Linden Road, Suite 185
Flint, MI 48532
(810) 732-6792

Counsel for Defendants
Tiffany A. Buckley-Norwood
2000 Town Center, Suite 1650
Southfield, MI 48075
(734) 343-0883

5. *People v Sakotic*, Genesee County Circuit Court Case No. 18-043577-FH.

In this criminal matter, Defendant was charged with involuntary manslaughter following the death of two people in a motor vehicle which Defendant hit with his semi-truck. Several pretrial motions were heard and decided on the record including: Defendant's motion in limine to preclude introduction of recorded interview; the People's motion to admit 404(b) evidence of similar acts; Defendant's motion for State's assistance in procuring a material witness; Defendant's motion for attendance of interpreters; Defendant's motion to exclude autopsy photos; Defendant's motion to suppress cell phone evidence; Defendant's motion to admit into evidence two accidents in that spot; Defendant's motion to suppress Defendant's statement/Miranda rights; and Defendant's motion to exclude testimony of a witness. By written opinions and orders, which are supplied, I decided the following motions: Defendant's motion to reduce bond; the People's motion to amend information; and Defendant's motion for reconsideration of my decision to grant the People's motion to amend the information. After a nine-day jury trial, Defendant was acquitted.

Counsel for defendant
Frank Manley
503 South Saginaw Street, Suite 1434
Flint, MI 48502
(810) 238-0500

Counsel for the People
Paul Fehrman
900 South Saginaw Street, Suite 100
Flint, MI 48502
(810) 257-3210

6. *People v. Fisher*, Genesee County Circuit Court Case No. 17-042233-FC.

In this criminal matter, Defendant was charged with a double homicide. I presided over a jury trial which took place over six days in January 2019. Numerous motions were heard and decided from the bench, including: the People's motion to amend information; Defendant's motion to add witnesses; the

People's post-conviction motion regarding restitution to victims' families; and Defendant's post-conviction motion for directed verdict of acquittal with re-sentencing or for a new trial. The jury found Defendant guilty on several counts and I sentenced Defendant to mandatory life in prison on the first-degree murder conviction. Defendant appealed, by right, his jury conviction as to all counts asserting the prosecution failed to present sufficient evidence that he aided or abetted his co-defendant in the shooting death of the first victim and failed to prove his guilt of first-degree premeditated murder in the shooting death of the second victim. His appeal was denied in its entirety. The Michigan Court of Appeals affirmed the jury conviction of first-degree premeditated murder, second-degree murder and two counts of possession of a firearm during the commission of a felony.

Counsel for Defendant
Kevin Rush
934 Church Street
Flint, MI 48502
(810) 232-0171

Counsel for the People
Paul Fehrman
900 South Saginaw Street, Suite 100
Flint, MI 48502
(810) 257-3210

7. *In re D.F., Jr., Minor*, Genesee County Circuit Court Case No. 16-132967-NA.

This case involved the removal of an infant from his parents who were found to be competent but significantly cognitively impaired. Due to the concerns regarding the parents' ability to understand the proceedings, I appointed guardians ad litem on behalf of each of the parents as well as the minor child. Numerous pre-trial hearings were held with regard to placement for the child, services available to respondent parents given their limitations, and parenting time. I presided over a jury trial on March 8, 2018, regarding whether the court could take jurisdiction over the child and the respondent parents. The jury found in favor of the Michigan Department of Health and Human Services and determined that the respondent parents had failed or neglected to provide proper care for the child which allowed the Court to assume jurisdiction over the parties. After I changed divisions, this matter was heard by another judge who eventually terminated the parental rights of the respondent parents.

Counsel for the People
Jonathan C. Poulos
900 South Saginaw Street, Suite 102
Flint, MI 48502

(810) 257-3874

Counsel Guardian ad litem for minor child

Terina M. Carte
1023 Church Street
Flint, MI 48502
(810) 412-8668

Counsel for respondent mother

Marcia L. Stipes
1023 Church Street
Flint, MI 48502
(810) 238-5425

Counsel for respondent father

Shayla D. Blankenship
1023 Church Street
Flint, MI 48502
(810) 238-5425

Guardian ad litem for respondent father

Philip H. Beauvais, III
4438 Oak Bridge Drive, Suite A
Flint, MI 48532
(810) 230-9040

Guardian ad litem for respondent mother

Alexandra Nassar
5151 Gateway Center, Suite 100
Flint, MI 48507
(810) 238-1700

8. *RPF Oil Company v. Teer et al.*, Genesee County Circuit Court Case No. 15-104564-CK.

Each party made various breach of contract claims against the other regarding amounts alleged to be due to Plaintiff as well as Defendant's ability to terminate its lease and gas station business relationship with the Plaintiff. I presided over two jury trials for this matter. The first trial lasted only one day on January 29, 2019, before a mistrial was declared due to extreme winter weather and snow days in combination with attorney unavailability. A second jury was selected on February 20, 2019, with three days of trial resulting in a monetary award in favor of Plaintiff. I then granted Plaintiff's motion for case evaluation sanction in part. Opinion supplied.

Counsel for plaintiff
Edward Davison
8305 South Saginaw Street, Suite 8
Grand Blanc, MI 48439
(810) 234-3633

Counsel for defendant
Christopher Ebbott
221 West Fifth Street
Flint, MI 48502
(810) 238-0455

9. *People v. Barritt*, Genesee County Circuit Court Case No. 15-038224-FC.

In this criminal matter, Defendant was charged with first-degree murder and other lesser offenses in April 2015. The matter was initially handled by another judge whose pretrial decisions on Defendant's motion to suppress were the subject of interlocutory appeals and some of that judge's decisions were reversed. The case was assigned to me on December 30, 2018. The file was returned from the Michigan Supreme Court to Genesee County Circuit Court on June 27, 2019. I heard and decided from the bench numerous pre-trial motions, including: Defendant's motion for a speedy trial; the People's motion to admit records without a chain of custody witness; Defendant's motion re: DNA analysis of evidence seized by law enforcement (withdrawn after heard but before decided); the People's motions in limine; and the People's motion to grant witness immunity. I presided over a nine-day jury trial in October 2019. Defendant was found guilty of a lesser charge of second-degree murder, second-degree arson, and fourth-degree tampering with evidence. I decided three post-verdict decisions with written opinions and orders as to: Defendant's motion for new trial and/or an evidentiary hearing; Defendant's motion for resentencing; and Defendant's motion for reconsideration of denial of resentencing. Opinions supplied. The conviction and my decisions were upheld on appeal.

Counsel for the Defendant
Jeffrey Skinner
720 Church Street
Flint, MI 48502
(810) 232-3044

Counsel for the People
Tracy Horvath
210 South Highlander Way
Howell, MI 48843
(517) 540-7782

10. *Cassidy v. Cassidy*, Genesee County Circuit Court Case No. 12-306259-DO (opinion supplied), *aff'd*, 318 Mich. App. 463, 899 N.W.2d 65 (2017).

This matter involved a heavily contested divorce in which Defendant husband's alleged girlfriend was brought into the lawsuit as a third-party defendant based upon allegations that marital funds were wrongfully diverted out of the marital estate and given to the third-party defendant. After 19 days of bench trial between October 15, 2014, and April 17, 2015, I issued an Opinion and Judgment of Divorce deciding issues related to property division including assets determined to have been wrongfully transferred by Defendant husband to the third party defendant as well as issues raised for spousal support and attorney fees. My decisions were appealed and upheld by the Michigan Court of Appeals in a published decision.

Counsel for Plaintiff
Howard Wallach
130 East Nine Mile Road
Ferndale, MI 48220
(248) 721-4200

Counsel for Defendant and Third-Party Defendant
Michael Edmonds
8305 South Saginaw Street, Suite 8
Grand Blanc, MI 48439
(810) 234-3633

Counsel for Defendant
Charles Desotelle
503 South Saginaw Street, Suite 929
Flint, MI 48502
(810) 238-9134.

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *The Estate of Melrose v. Nationwide Mutual Insurance Co.*, Genesee County Circuit Case No. 19-113455-NF. Opinion supplied.

Counsel for Plaintiff
Wayne J. Miller
28470 West 13 Mile Road, Suite 300
Farmington Hills, MI 48334
(248) 945-1040

Counsel for Defendant
Rachel A. Bissett
1450 West Long Lake Road, Suite 300
Troy, MI 48098
(248) 641-7600

2. *Cavazos v. American Athletix, LLC, et. al.*, Genesee County Circuit Court Case No. 19-112719-NO. Opinion supplied.

Counsel for Plaintiff
Todd J. Weglarz
19390 West 10 Mile Road
Southfield, MI 48075
(248) 355-5555

Counsel for Defendants
Jeffrey Bullard
1869 East Maple Road
Troy, MI 48083
(248) 362-3707

Christopher J. Marker
300 St. Andrews Road, Suite 302
Saginaw, MI 48638
(989) 790-0960

3. *Cherny v. General Motors, LLC*, Genesee County Circuit Court Case No. 19-112645-NO. Opinion supplied.

Counsel for Plaintiff
Todd J. Stearn
29829 Greenfield Road, Suite 101
Southfield, MI 48076
(248) 744-5000

Counsel for Defendant
Richard A. Joslin, Jr.
4000 Town Center, Suite 909
Southfield, MI 48075
(248) 355-4141

4. *Norris v. City of Flint*, Genesee County Circuit Court Case No. 19-112187-CD. Opinion supplied.

Counsel for Plaintiff
Dean T. Yeotis

611 West Court Street
Flint, MI 48503
(810) 767-6100

Counsel for Defendant
William Y. Kim
1101 South Saginaw Street, 3rd Floor
Flint, MI 48502
(810) 237-2079

5. *People v. Reyes*, Genesee County Circuit Court Case No. 97-001065-FC.
Opinion supplied.

Counsel for People
Jennifer Janetsky
900 South Saginaw Street, Suite 100
Flint, MI 48502
(810) 257-3107

Counsel for Defendant
Jessica Mainprize-Hajek
503 South Saginaw Street, Suite 519
Flint, MI 48502
(810) 767-7383

6. *People v. Dye*, Genesee County Circuit Court Case No. 19-044422-FC.
Opinion supplied.

Counsel for People
Jonathan C. Poulos
900 South Saginaw Street, Suite 102
Flint, MI 48502
(810) 257-3874

Counsel for Defendant
Lynne A. Taft
720 Church Street
Flint, MI 48502
(810) 767-2474

7. *Watson v. Genesys Regional Medical Center*, Genesee County Circuit Court
Case No. 18-111381-CZ. Opinion previously supplied in response to
Question 13c.

Counsel for Plaintiff
Tom R. Pabst

2503 South Linden Road, Suite 185
Flint, MI 48532
(810) 732-6792

Counsel for Defendants
Tiffany A. Buckley-Norwood
2000 Town Center, Suite 1650
Southfield, MI 48075
(734) 343-0883

8. *People v. Ortiz*, Genesee County Circuit Court Case No. 19-045001-FH.
Opinion supplied.

Counsel for People
Jonathan C. Poulos
900 South Saginaw Street, Suite 102
Flint, MI 48502
(810) 257-3874

Counsel for Defendant
Mitchell Manwell
503 South Saginaw Street, Suite 734
Flint, MI 48502
(810) 875-9138

9. *Elder v. McGee*, Genesee County Circuit Court Case No. 18-111668-NI.
Opinion supplied.

Counsel for Plaintiff
Valdemar L. Washington
718 Beach Street, P.O. Box 187
Flint, MI 48501
(810) 407-6868

Counsel for Defendant
Edward B. Davison
8305 South Saginaw Street, Suite 8
Grand Blanc, MI 4849
(810) 234-3633

10. *Cassidy v. Cassidy*, Genesee County Circuit Court Case No. 12-306259-DO;
Cassidy v. Cassidy, 318 Mich. App. 463; 899 N.W.2d 65 (2017). Opinion
previously supplied in response to Question 13c.

Counsel for Plaintiff
Howard Wallach

130 East Nine Mile Road
Ferndale, MI 48220
(248) 721-4200

Counsel for Defendant and Third-Party Defendant
Michael Edmonds
8305 South Saginaw Street, Suite 8
Grand Blanc, MI 48439
(810) 234-3633

Counsel for Defendant
Charles Desotelle
503 South Saginaw Street, Suite 929
Flint, MI 48502
(810) 238-5148

- e. Provide a list of all cases in which certiorari was requested or granted.

To my knowledge, and from a search of legal databases, none of my cases have been the subject of a petition for certiorari to the Supreme Court of the United States.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

My decisions were reversed in the following cases:

In re C Swimp, Minor, unpublished order of the Court of Appeals, issued [March 21, 2018] (Docket No. 342878). LC No. 17-134595-NA. Opinion supplied. This case was a very contentious child protective proceeding wherein the respondent father had numerous attorneys and significant conflicts with Department of Health and Human Services workers and supervisors. Although the discovery sought by the respondent father was not specifically allowed by court rule, I ordered DHHS to respond to respondent father's interrogatories and requests for admission. The Court of Appeals determined the ordered discovery was beyond the scope allowed by the court rules.

Book-Gilbert v. Greenleaf, 302 Mich. App. 538, 840 N.W.2d 743 (2013) (per curiam). LC No. 07-274435-DS. This case involved a petition filed by a paternal grandmother for grandparent visitation. The minor child was placed in a guardianship with his aunt, who was the child's deceased mother's sister. Because the minor was significantly delayed and emotionally fragile, the guardian denied visitation with the grandmother. Under my interpretation of guardianship

law and the presumptions afforded parents in the grandparent visitation law, I determined the statute afforded the guardian the deference of a fit parent to deny grandparenting time. On de novo review of a novel question of law, the Court of Appeals determined the fit parent presumption did not extend to guardians despite a guardian having all of the powers and responsibilities of a parent under Michigan guardianship law.

Kings Lane GP, Inc., SJS Investments, Inc. v. Kings Lane Ltd. Dividend Housing Association, LP, an unpublished per curiam opinion of the Court of Appeals, issued [October 7, 2021] (Docket No. 352447). LC No. 15-105009-CB. Opinion supplied. This case involved litigation that arose in 2015, in front of my predecessor judge, where a limited partnership had defaulted on a mortgage that had been assigned to Defendant bank. The Kings Lane General Partnership had been previously informed that it was being removed as the general partner because of a variety of breaches of the limited partnership agreement. The property was then purchased by the Defendant bank and, under the terms of the LPA, the limited partnership dissolved. In the complaint, which involved a request for declaratory relief, Plaintiffs requested the trial court “enter a declaratory judgment that Kings Lane GP had not been removed as general partner of Kings Lane Limited partnership.” This claim was based on allegations that the attempted removal of Kings Lane GP was without proper authority. In 2017, my predecessor granted Defendants’ Motions for Summary Disposition and dismissed Plaintiffs’ claims. Plaintiffs appealed and the Court of Appeals affirmed the dismissal of many of the claims but reversed my predecessor’s dismissal of the claim for declaratory relief. Consequently, the Court of Appeals ruled whether the removal of Kings Lane GP as general partner took effect remained in question, and the matter was remanded to the trial court. On remand, I concluded there was no actual controversy given the Plaintiffs’ claims for money damages had been dismissed and given that the limited partnership had been dissolved. I also concluded the Plaintiffs’ claim for declaratory relief was barred by the doctrine of laches. On appeal, Plaintiffs argued that I erred in granting Defendants’ Motion for Summary Disposition and by denying Plaintiffs’ Motion for Summary Disposition. The Court of Appeals agreed in part, stating I had erred by granting summary disposition based on the conclusion that an actual controversy did not exist and by dismissing the declaratory relief claim based on the doctrine of laches. The Court of Appeals declined to consider whether Kings Lane GP was properly removed as a general partner and remanded the matter for further proceedings.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

All of the opinions I issue are unpublished. The opinions are kept in the court files with each case, though as a Business Court Judge, some of my decisions are published on the www.courts.michigan.gov website. As a state trial court judge, I

have presided over a large volume of matters in numerous divisions and courts, including probate, family, child protective proceedings, juvenile criminal, civil, adult criminal, and business. Between 2009 and 2018, I had an average each year of 450 pre-judgment divorce matters, 80 child protective proceedings, and 200 juvenile crime matters. Since 2019, I have had an average each year of 500 civil cases and 665 criminal matters. I also hear and rule on post-judgment, post-settlement, and post-sentencing matters. All opinions are filed in the corresponding case file with counsel or parties receiving copies.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not issued any significant opinions on federal or state constitutional issues.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

In determining the necessity or propriety of recusal, I follow the guidance and rules provided by Michigan Court Rule 2.003 and the Michigan Code of Judicial Conduct.

Pursuant to local administrative orders, I have recused myself from hearing matters wherein my family members are attorneys, including my father-in-law (now deceased), my husband, and my brother-in-law. I have recused myself from hearing matters by the

attorney who represents me, personally, in various trust matters wherein I am the co-trustee of my deceased father's trust, as well as his law partner. I have recused myself from hearing any matters wherein the attorney of record is a tenant in a building owned by Behm Properties, LLC, of which I am an equal owner with my husband who manages the property. Pursuant to an Order dated March 22, 2016, I have recused myself from any matters wherein Attorney Barney Whitesman appears as counsel. After reviewing the Michigan Code of Judicial Conduct and discussing this matter with my Chief Judge, I determined that it would be best that I not hear cases involving Mr. Whitesman given his conduct and behavior while appearing in my court. My Chief Judge had previously recused himself from hearing any matters involving Mr. Whitesman for similar reasons.

Metivier v. Gerics, Genesee County Circuit Court Case Nos. 10-298905-PP and 00-219647-DP. Respondent requested on the record that the matter be heard by another judge. Respondent had been represented by my husband in past litigation. On the record, I discussed with the parties my belief that I could hear the matter impartially. Nonetheless, Respondent felt strongly that the matter should be heard by another judge. Petitioner did not object to the case being reassigned. I considered my ability to hear the matter impartially and the possible appearance of bias. I recused myself in an attempt to assure the parties that their matter would be fairly heard and to avoid the appearance of impropriety.

Valencia v. Valencia, Genesee County Circuit Court Case No. 08-285645-DM. Plaintiff requested that I recuse myself in a motion. Plaintiff's counsel asserted I had entertained ex parte communication from Defendant. I reviewed all submitted pleadings and heard oral argument on the matter, and explained, on the record, my belief that I could hear the matter impartially. My decision to deny Plaintiff's motion for disqualification was appealed to the Chief Circuit Court Judge, and my decision was upheld.

Tucker v. Adams, Genesee County Circuit Court Case No. 92-016797-DP. Plaintiff filed a motion to recuse me from the case because she was unhappy with previous rulings I made. I believed an appropriate basis for disqualification had not been stated so I denied the motion. Plaintiff appealed the Order Denying Disqualification to my Chief Judge, who reviewed the file and the recorded hearing and found Plaintiff had not set forth any basis for disqualification and denied Plaintiff's motion.

Settimo v. Settimo, Genesee County Circuit Court Case No. 09-290955-DM. Defendant husband in this divorce matter filed a motion to recuse me from the case alleging bias against fathers seeking custody; personal knowledge of disputed facts; collusion with the opposing attorney; and bias because my family members knew Defendant's former attorney. Defendant was unhappy with the previous rulings I made. Because I did not have personal knowledge of disputed facts and did not believe I had any bias for or against Defendant or the attorney appearing on the matter, I denied the motion.

Zipsie v. Zipsie, Genesee County Circuit Court Case No. No. 12-304764-DO. In this divorce case, the Defendant husband filed a motion to recuse me because I did not respond when the attorney for Plaintiff wife asserted that Defendant had lied. My silence

as to assertions about Defendant's veracity is not a ground for disqualification, and as such, I denied the motion.

Porrett v. Porrett, Genesee County Circuit Court Case No. 12-363528-DM. Plaintiff filed a motion to recuse me because one of the opposing attorneys is a close family friend. The opposing attorney had regularly appeared in front of me in other matters and had never used his friendship to request special treatment or advantage. I believed that I could be unbiased and could treat everyone fairly. Therefore, after careful consideration, I denied the motion.

Payton v. Poole, Genesee County Circuit Court Case No. 14-312474-PH. Defendant filed a motion to recuse me because I had a "personal knowledge of the parties involved." I did not know the parties or have any personal knowledge about them, so I denied the motion.

Edelen v. Skinner, Genesee County Circuit Court Case No. 17-321252-DC. Defendant in this custody matter filed a motion to recuse me from the case because he was unhappy with previous rulings I made against him. Defendant also incorrectly asserted that I was biased against him because I had been the judge in his ex-wife's guardianship. I was not, in fact, the judge who presided over any of the hearings involving Defendant's ex-wife's guardianship case. I denied the motion.

People v. Reed, Genesee County Circuit Court Case No.-043316-FC. Defendant filed a motion to recuse me from the case because I made general comments about violence against women when the Defendant was being charged with murdering a woman with whom he was in a relationship and had previously been to prison for violence against another woman with whom he was in a relationship. After careful consideration, I believed I did not have actual bias or prejudice against Defendant and denied the motion. Nonetheless, I agreed to administratively transfer the case to another judge while I was covering the probate docket for an extended time while one of my colleagues was on medical leave.

People v. Sanders, Genesee County Circuit Court Case No.-046470-FC. Defendant filed a motion to recuse me from the case because he felt I was biased against him because I offered for him and his co-defendants to see the crime scene photos attached to the preliminary hearing transcript while the prosecutor and defense counsel were discussing with me a possible resolution of the criminal charges. Defendant withdrew his motion a few days later when he entered a plea consistent with the resolution that was previously explained to the Court.

Smith v. Smith, Genesee County Circuit Court Case No.-178998-DM. I was personally acquainted with Plaintiff who had previously been represented by my husband and my father-in-law. Before I became a judge, I had been advised by Plaintiff of some of the facts of the lengthy history of the dispute between the parties. To avoid the appearance of impropriety, I recused myself sua sponte.

Nash v. Nash, Genesee County Circuit Court Case No. 97-184056-DM. I recused myself sua sponte after discussion with the parties on the record. Defendant wife had been represented by my husband in the initial divorce matter. Plaintiff husband stated he thought he had “lost” in the divorce and now with me as his judge, he would “lose” again in the post-judgment proceedings. I considered my ability to hear the matter impartially as well as Defendant’s belief he could not be heard fairly if I was the judge handling the matter. To avoid the appearance of impropriety, I believed it was best I recuse myself in the matter.

January v. Jones, Genesee County Circuit Court Case No.-223118-DS. I recused myself sua sponte. Defendant sent correspondence directly to me at my home address with complaints about a referee who was handling his matter. In the correspondence, Defendant acknowledged that he knew his ex-parte communication would not be read by me if sent to my office at the Courthouse. The contents of the letter and the manner in which it was sent raised concerns for me, my safety, and the safety of my family. To avoid the appearance of impropriety, I believed it was best I recuse myself in this matter.

Bubnar v. Bubnar, Genesee County Circuit Court Case No. 03-245634-DM. I recused myself sua sponte. I had known both parties for years prior to taking the bench and had personal knowledge of disputed evidentiary facts concerning the matter in controversy. To avoid the appearance of impropriety, I believed it was best I recuse myself in the matter.

Stewart v. Kohn-Lawrence, Genesee County Circuit Court Case No. 05-263211-DS;
Train v. Kohn-Lawrence, Genesee County Circuit Court No. 95-039070-DP;
Train v. Lawrence, Genesee County Circuit Court Case No. 97-061379-DP;
Train v. Kohn-Lawrence, Genesee County Circuit Court Case No. 98-203789-PP;
Train v. Kohn-Lawrence, Genesee County Circuit Court No. 98-208789-PP;
Train v. Kohn-Lawrence, Genesee County Circuit Court. No. 02-243981-DM;
Sheppard v. Kohn-Lawrence, Genesee County Circuit Court No.05-263211-DS;
Lawrence v. Sheppard, Genesee County Circuit Court Case No. 05-263733-DC;
Sheppard v. Kohn-Lawrence, Genesee County Circuit Court Case No. 10-294148-DS;
Sheppard v. Lawrence, Genesee County Circuit Court Case No. 11-300970-PP;
Sheppard v. Lawrence, Genesee County Circuit Court Case No. 11-302054-DC; and
Sheppard v. Lawrence, Genesee County Circuit Court Case No. 14-313722-PP.

All of the above identified cases involved Mr. Kohn-Lawrence. While a custody dispute was pending in one of the cases, Mr. Kohn-Lawrence called my personal residence at 2:00 a.m. asking to speak to me. Mr. Kohn-Lawrence spoke to my husband who believed Mr. Kohn-Lawrence was clearly intoxicated and directed him to address any comments to me in writing in pleadings filed with the Court. Because Mr. Kohn-Lawrence’s behavior was so inappropriate, I believed I could no longer be fair to him, and I, therefore, recused myself sue sponte.

Ream v. Ream, Genesee County Circuit Court Case No. 06-270354-DM. I was personally acquainted with Defendant’s new spouse who was a long-term client when I

was in private practice. I considered my ability to hear the matter impartially and the possible appearance of bias and I recused myself sua sponte to avoid the appearance of impropriety.

Patton v. Patton, Genesee County Circuit Court Case No. 08-280451-DO. I recused myself sua sponte because I was personally acquainted with both parties in this matter and Plaintiff's son who was joined as a third party in this divorce. To avoid the appearance of impropriety, I believed it was best I recuse myself in this matter.

Deming v. Deming, Genesee County Circuit Court Case No. 08-279436-DM. In this post-judgment custody dispute, the attorney for Plaintiff, Barney Whitesman, asked me to recuse myself after I sanctioned Mr. Whitesman for filing pleadings for an improper purpose under the Michigan Court Rules. At the time of this motion in December 2015, I believed that I could continue to hear litigants matters without bias or prejudice despite Mr. Whitesman's ongoing behavior. Before I made a decision on the record, Mr. Whitesman and his client withdrew their motion. Subsequently, in March 2016, after Mr. Whitesman's behavior escalated, I recused myself from hearing all matters in which Mr. Whitesman appeared as counsel.

Habermehl v. Neumann, Genesee County Circuit Court Case No. 09-288793-DC. I recused myself sua sponte. I was personally acquainted with the plaintiff who was a former client and who had consulted with me as an attorney in relation to the issues being raised. To avoid the appearance of impropriety, I believed it was best I recuse myself in this matter.

Farrehi v. Farrehi, Genesee County Circuit Court Case No. 09-289066-DM. I was friends with two of Defendant's sisters and their husbands and acquainted with Defendant's parents. To avoid the appearance of impropriety, I believed it was best I recuse myself in this matter.

Stewart v. Stewart, Genesee County Circuit Case No. 10-292946-DM. I recused myself sua sponte because I was personally acquainted with Plaintiff who was one of my primary contacts at the Flint Institute of Arts which I represented for several years prior to becoming a judge. To avoid the appearance of impropriety, I believed it was best I recuse myself in this matter.

Bentley's Best v. Suski, Genesee County Circuit Court Case No. 14-102314-CB. Prior to the case being assigned to me, I had overheard conversations by the principals of the Defendants discuss this matter in a social setting. To avoid the appearance of impropriety, I recused myself sua sponte.

Michael Jackson Motors v. Suski, Genesee County Circuit Court Case No. 14-102907-CB. Prior to the case being assigned to me, I had overheard conversations by the principals of the Defendants discuss this matter in a social setting. To avoid the appearance of impropriety, I recused myself sua sponte.

Dozier v. Board of Hospital Managers, Genesee County Circuit Court Case No. 18-111367-NH. I recused myself sua sponte in this matter filed against the emergency doctors at a local hospital. The doctors were employees of the University of Michigan. My husband is a Regent at the University of Michigan. To avoid the appearance of impropriety, I believed it was best that I recuse myself in the matter.

Walter v. Genesys Integrated Practice, Genesee County Circuit Court Case No. 18-111380-CZ. I recused myself sua sponte since my husband and I are friends with Plaintiff's brothers and sisters-in-law. To avoid the appearance of impropriety, I believed it was best that I recuse myself in this matter.

Patillo v. Brindley, Genesee County Circuit Court Case No. 19-113081-CB. I recused myself sua sponte as one of the parties is a close neighbor. To avoid the appearance of impropriety, I believed it was best that I recuse myself in this matter.

Brockriede v. Yuille et al., Genesee County Circuit Court Case No. 19-113473-CZ. Prior to the case being assigned to me, I had heard my colleagues discuss Plaintiff and the lawsuit filed against 10 other judges. I recused myself sua sponte in order to avoid the appearance of impropriety.

Citizens Achieving Recall for Davison Schools (CARDS) et al. v. Gleason, Genesee County Circuit Court Case No. 22-117236-AW. In addition to this case, there is what appeared to be a related non-public petition for a personal protection order against Defendant, Genesee County Circuit Court Case No. 22-116938-PH. The named defendant/respondent is the Genesee County Clerk who is responsible for the maintenance and management of court records. To avoid the appearance of impropriety, I recused myself sua sponte.

Thomas W. Collison & Company, Inc. v Love Holdings, LLC, et al., Genesee County Circuit Court Case No. 22-117237-CB. Upon Plaintiff's ex parte motion, I appointed a receiver when this case was initiated and set the matter for hearing. Since the matter has been pending, I hired the appointed receiver's daughter as my law clerk. When my law clerk began working for me, I recused myself sua sponte to avoid the appearance of impropriety.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never held a public office other than my judicial office.

- b. List all memberships and offices held in and services rendered, whether

compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

With the exception of my re-election campaigns in 2010, 2012, and 2018, I never held a position in a political campaign. I participated in fundraising activities for then Governor Jennifer Granholm in 2005 to 2009, prior to becoming a judge.

I worked as a voter protection volunteer in 2006 and 2008, locally through the Michigan Association for Justice in cooperation with the Michigan Democratic Party.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

2008 – 2009

F. Kay Behm, PC

801 South Saginaw Street

Suite 100, Phoenix Building

Flint, Michigan 48502

Sole Practitioner

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1994 – 1997

Braun Kendrick Finkbeiner, P.L.C.

4301 Fashion Square Boulevard

Saginaw, Michigan 48603

Associate Attorney

1997 – 2008

Winegarden, Haley, Lindholm, Tucker & Himelhoch, PLC (f/k/a

Winegarden, Haley, Lindholm & Robertson, P.L.C. and Winegarden,

Shedd, Haley, Lindholm & Robertson, P.L.C.)

9460 Saginaw Road, Suite A
Grand Blanc, Michigan 48439
Associate Attorney

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

As a sole practitioner and as an associate attorney at Winegarden, Haley, Lindholm & Robertson, P.L.C., I represented a broad range of clients in business litigation and transactional matters; represented personal representatives, beneficiaries, conservators, guardians, trustees, and interested parties in various probate proceedings; and prepared estate planning documents.

As an associate attorney at Braun Kendrick Finkbeiner, P.L.C., I worked primarily in the corporate, probate, and real estate departments researching and writing legal memoranda and pleadings, preparing probate documents, drafting real estate documents, and assisting in real estate transactions and closings.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I represented a broad range of clients in business litigation and transactional matters; represented personal representatives, beneficiaries, conservators, guardians, trustees, and interested parties in various probate proceedings; and prepared estate planning documents.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | <1% |
| 2. state courts of record: | 98% |
| 3. other courts: | 0% |
| 4. administrative agencies: | <1% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 99% |
| 2. criminal proceedings: | <1% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

As an attorney, I tried approximately seven cases to verdict, judgment, or final decision in Michigan state courts. I tried five cases as sole counsel at trial and two cases as an associate attorney.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 29% |
| 2. non-jury: | 71% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Massey v Flint Institute of Arts* (Genesee County Circuit Court, Judge Richard Yuille and reassigned to Judge Joseph Farah, 2008)

I represented Defendant Flint Institute of Arts in a contract dispute with an artist with whom the Flint Institute of Arts had commissioned a \$300,000 wall mural (fresco). I was lead counsel on this matter. I prepared and responded to discovery, met with the parties, and negotiated the terms of the settlement agreement. The matter settled under confidential terms.

Dates of Representation: 2008 – 2009

Attorney for Plaintiff
Anthony R. Paesano
7457 Franklin Road, Suite 200
Bloomfield Hills, MI 48301
(248) 792-6886

2. *Single Source, Inc. v. McFall et al.* (Genesee County Circuit Court, Judge Judith A. Fullerton, 2008)

I represented Plaintiff as a creditor against a former business associate. I was lead counsel. I prepared and responded to discovery, filed and argued a motion for partial summary disposition, and negotiated the terms of a settlement favorable to my client.

Dates of Representation: 2008 – 2009

Attorney for Defendant
Richard A. Hamilton
702 Church Street
Flint, MI 48502
(810) 767-6860

3. *In re Christian* (Oakland County Probate Court, Judge Eugene Arthur Moore, 2006)

I represented Mrs. Christian with regard to her care and placement as well as the manner in which her estate was being managed by the Oakland County Public Administrator who was initially appointed as her guardian and conservator. Eventually, after contested Probate Court hearings with the first guardian and conservator regarding Mrs. Christian's placement, medical treatment, and the management of her assets, I was appointed guardian and conservator for Mrs. Christian. Thereafter, I directed Mrs. Christian's care and placement and handled numerous matters regarding her sizeable financial estate. I resigned as Mrs. Christian's second successor guardian and conservator in June 2008, with another attorney becoming Mrs. Christian's third successor guardian and conservator.

Dates of Representation: 2007 – 2008

First guardian and conservator
Jon B. Munger

4545 Clawson Tank Drive, Suite 100
Clarkston, MI 48346
(248) 618-1200

Third Successor guardian and conservator
Marc Shulman
26611 Woodward Avenue
Huntington Woods, MI 48070
(248) 343-4842

4. *McDonnell et al. v. Flint Historic District and Flint Cultural Center Corporation*
(Genesee County Circuit Court, Judge Archie Hayman, 2006)

I represented Defendant Flint Cultural Center Corporation in an action filed against it with respect to the demolition of three homes on property it owned. I was lead counsel on this matter. I prepared and responded to discovery and handled pre-trial motions. The matter concluded shortly before trial when the court granted my client's motions for summary disposition, finding Plaintiffs did not have standing to sue.

Dates of Representation: 2006 – 2007

Attorney for Plaintiff McDonnell
Harry Kalogerakos
400 Monroe Street, Suite 620
Detroit, MI 48226
(313) 962-7777

Attorney for Co-Defendant Flint Historic District
Daniel A. Klemptner
1200 North Telegraph Road, Building 14 East, West Wing, 3rd Floor
Pontiac, MI 48341
(248) 858-2007

Attorney for Co-Defendant Flint Historic District
Trachelle Young
PO Box 975
Flint, MI 48501
(810) 239-6302

5. *TDC Courtland Leaseco, LLC v. Nanco Enterprises, LLC d/b/a Farmer's Market Bakery & Deli, et al.*, (Genesee County 67th District Court, Judge Richard L. Hughes)

I represented Plaintiff/Counter Defendant in a commercial landlord tenant lease dispute. I was lead counsel on this matter. I prepared and responded to discovery, met with the

parties and defendants' attorneys, and negotiated a resolution to the matter. The matter settled the morning of the scheduled jury trial with an agreement favorable to my client.

Dates of Representation: 2006 – 2007

Attorney for Defendant/Counter Plaintiff

Joseph J. Sefa
327 North Main Street
Davison, MI 48423
(810) 653-4373

Successor Attorney for Defendant/Counter Plaintiff

Scott Frain
2377 South Linden Road, Suite B
Flint, MI 48532
(810) 733-2050

6. *Estate of Weiderman* (Genesee County Probate Court; Judge Allen Nelson and Jennie Barkey, 2006)

I was lead counsel on this matter. I prepared and handled pre-trial motions and represented my clients during a bench trial. I represented step-nieces and nephews as interested parties in their step-uncle's estate arguing that the testator intended to include them in the bequest in his will to his "nieces and nephews." After presenting briefs, oral arguments, and brief testimony, the Court granted my clients' petition determining that they qualified as members of the class of "nieces and nephews" entitled to distribution under the decedent's will.

Dates of Representation: 2005 – 2006

Opposing Counsel

Ira Bare (deceased)

Opposing Counsel

Curt Ollikainen
7151 North Main Street, Suite 212
Clarkston, MI 48346
(248) 618-0031

Opposing Counsel

Robert H. Bancroft
Robert H. Bancroft Attorney At Law, PC
5206 Gateway Center, Suite 200
Flint, MI 48507
(810) 235-9000

7. *Marschall v. Forest River, Inc.* (Wayne County 18th District Court, Judge C. Charles Bokos, 2002)

I represented Forest River, Inc. in an action brought against it alleging violations of the Michigan Consumer Protection Act and other claims with respect to a recreational vehicle manufactured by my client. I prepared and responded to discovery, participated in depositions, and handled pre-trial motions. I was lead counsel during a jury trial wherein the jury returned a verdict for my client.

Dates of Representation: 2001 – 2002

Attorney for Plaintiff

Mark Romano

801 West Ann Arbor Trail, Suite 232

Plymouth, MI 48170

(734) 207-3377

Attorney for Co-Defendant

Charles W. Borgsdorf

126 South Main Street

Ann Arbor, MI 48104

(734) 662-4426

8. *Keyes v. Forest River, Inc.* (Saginaw County 70th District Court, Judge Kyle Higgs Tarrant, 1999)

I represented Forest River, Inc. in an action brought against it alleging violations of the Michigan Consumer Protection Act and other claims with respect to a recreational vehicle manufactured by my client. I prepared and responded to discovery, participated in depositions, and handled pre-trial motions. I was lead counsel during the jury trial wherein the jury awarded Plaintiffs a de minimis amount following several days of trial.

Dates of Representation: 1998 – 2000

Attorney for Plaintiff

Amber L. Davis-Johnson

515 Center Avenue, Suite 402

Bay City, MI 48708

(989) 895-4131

Attorney for Co-Defendant

Julia Black

8455 South Saginaw Street, Suite 2

Grand Blanc, MI 48439

(810) 694-8600

9. *Button v. DeBord & Son Fence Co., Inc. et. al.*, (Washtenaw County Circuit Court, Judge Donald E. Shelton, 1998)

I represented Ms. Button in a breach of contract claim along with claims made under the Michigan Uniform Commercial Code and the Michigan Consumer Protection Act. I prepared and responded to discovery, participated in depositions, and handled pre-trial motions. I was lead counsel for a bench trial at which my client recovered the damages on her breach of contract claim plus statutory interest. I continued to represent Ms. Button as Defendant sought to dismiss the judgment in bankruptcy. The bankruptcy petition was dismissed with a finding that the underlying judgment obtained for my client on the breach of contract claim was based on Defendant's fraudulent actions.

Dates of Representation: 1997 – 1998

Counsel for Defendant
Kevin M. O'Connell
P.O. Box 1087
Novi, MI 48376
(248) 926-0104

10. *Ward v. Blain Buick*, (Genesee County Circuit Court, Judge Geoffrey Neithercut, 1998)

I represented the Defendant dealership in a lemon law action. I prepared and responded to discovery, participated in depositions, and handled pre-trial motions. Shortly before the scheduled jury trial, Plaintiff died and the personal representative of his estate chose not to pursue this litigation. The lawsuit was dismissed.

Dates of Representation: 1997 – 1998

Attorney for Plaintiff
Dennis Snyder (deceased)

Counsel for Co-Defendant
Douglas Philpott (deceased)

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While in private practice as an attorney for 15 years, I represented a number of entities in transactional matters. I assisted a number of businesses in buying and selling real estate,

organizing entities, and addressing daily business concerns. I drafted estate planning documents and advised clients in that regard. I represented clients in probate matters for which litigation was not commenced including representing personal representatives, trustees, guardians, and conservators.

I have never acted or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I taught as a substitute teacher for my father-in-law between Fall of 1997 and Spring of 2001 for an undergraduate Business Law class at the University of Michigan - Flint. I do not have a syllabus for the course.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments, or agreements to pursue outside employment.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My husband is a Regent of the University of Michigan. I would disqualify myself from handling matters in which the University of Michigan is identified as a party.

My husband and my brother-in-law are attorneys. They would not appear in front of me. My personal attorney and his law firm partner, as well as the attorney who is a tenant of the office building of which I am a co-owner, do not now, and would not in the future, appear in my court. If confirmed, I will recuse myself from any matter where doing so would be appropriate. Generally, I will evaluate any actual or potential conflict of interest on a case-by-case basis and determine appropriate action, including recusal, with the input of parties and after consulting the applicable canons of judicial ethics.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will adhere to the Code of Conduct for United States Judges to uphold the integrity and independence of the judiciary and avoid the appearance of any impropriety. I will follow 28 U.S.C. § 455, which requires a judge of the United States to disqualify herself in a number of specified circumstances including any proceeding in which her impartiality might be reasonably questioned as well as in those circumstances where she has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings. In doing so, I will consider in each case that I handle, both independently and to the extent that a possible conflict is brought to my attention, whether a possible conflict of interest exists and whether a recusal is warranted.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Throughout my professional career, I have engaged in community and civic volunteer service. On average, I have spent at least an hour every week serving my community. In particular, I have continuously volunteered to participate in events for children. I have made several presentations at elementary, middle and high schools for Law Day events and as a guest speaker in civics classes. I have presided over mock trial events as part of Law Day events at the Courthouse. Additionally, I have volunteered to provide pro bono legal assistance at a Legal Aid Clinic. As a practicing attorney, I reviewed contracts and

represented the Flint Institute of Arts, a non-profit organization, in many legal matters on a pro bono basis.

As a judge I am unable to engage in pro bono service, but I have engaged in serving my community outside the legal profession. I serve as a board member and am actively involved in the Food Bank of Eastern Michigan and Big Brothers/Big Sisters of Greater Flint. In particular, I helped form and, since 2013, have participated as a volunteer in the Flint Youth Initiative Lunch Buddy program which is a mentoring program collaboration between the Eastern District of Michigan – Flint Division and Big Brothers/Big Sisters of Greater Flint. I have participated in various outreach programs to provide and deliver meals to the indigent. I have supported the arts in our community by working at art fairs at the Flint Institute of Arts.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On February 9, 2021, I submitted an application to the office of Senator Debbie Stabenow. On March 2, 2021, I received an email from the Chair of the Advisory Committee inviting me to an interview with the Committee, which occurred on March 10, 2021. On April 17, 2021, I received a phone call from Senator Stabenow informing me that my name had been sent to the White House for consideration. On or about April 19, 2021, I received a phone call from Senator Gary Peters who also advised me that I was being considered by the White House. Later that day, I received an email from the White House Counsel's Office scheduling my interview with them, which took place on April 21, 2021. On August 12, 2021, I received an email from Senator Stabenow's office asking if I would like my February 9, 2021, application to be reconsidered for a new vacancy in the Eastern District of Michigan, to which I agreed. On January 26, 2022, I was contacted by the White House Counsel's Office, and since that date I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 29, 2022, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.