

Allegations of Misconduct Against Joseph Weiler as testified by Halsey Wolff 1-15-25

Background

Richard Wolfe (my father) created two Trusts with attorney Barry George of Midland, a primary Trust for the estate of himself and his wife, Ellen Wolfe. The second was a Special Needs Trust for his daughter (my sister) Anne Wolfe who has had mental health issues most of her life. Below is a summary of the drastic changes to the Trustee list that (brother) Chris Wolfe orchestrated:

Trustee Changes to Anne Wolfe Special Needs Trust (SNT)					
date	Trustee success list			attorney	
2/15/2002	Hal			Barry George	
4/4/2007	Chris	Hal			
4/19/2012	Chris	Hal	Cynthia		(Richard dies in 2013)
5/11/2015	Chris	Hal	Cynthia	Joe Weiler	
11/5/2015	Chris & Cynthia	Joel & Susan	Hal & Alan		< just after lot line shift
5/20/2016	Chris & Cynthia	are made Co-Trustees with Ellen			
Trustee Changes to Richard & Ellen Wolfe Primary Trust					
4/4/2007	Hal			Barry George	original Trust
???					First Ammendment?
4/19/2012	Chris	Hal	Cynthia		Second Ammendment
11/5/2015	Chris & Cynthia	Joel & Susan	Hal & Alan	Joe Weiler	2nd Ammendment & restated
5/20/2016	Chris & Cynthia	are made Co-Trustees with Ellen			Third Ammenedment

Allegations of Misconduct Against Attorney Joseph D. Weiler

It is my considered opinion that Mr. Weiler has engaged in misconduct on a number of occasions during his dealings with various members of my family (most notably with my mother) while altering then re-altering two family Trusts that my father initiated before he died in 2013, and also while defending my brother Chris Wolfe and his wife Cynthia Wolfe in a lawsuit I initiated in Dec. 2021 asking the Court to remove them as Trustees. *(FYI – Ellen died on Oct. 17, 2016.)*

1) Failure to perform due diligence: Mr. Weiler (under Chalgian & Tripp) undertook a huge revision of the Wolfe family Trusts after both had been fairly recently been reworked, and did so at the behest of an angry brother who concocted a bizarre rational to radically change the Trusts. *(See 11/5/2015 entry above. The Charlevoix property line shift was approved by Eveline Twp on 9/23/2015, which upset Chris greatly for reasons unclear, and he reacted by altering the Trusts.)*

This was done very hastily with virtually no input from family members. Another attorney told me this should have been a red flag, as when making such substantial changes to the Trust, all family members should have been consulted, and as many as possibly should have been invited to join in a discussion before any changes were made. That didn't happen, as Chris employed a degree of subterfuge (as he later admitted). Had Joe investigated, he would have found two things: **a)** that there was no valid rationale for the changes being proposed, an **b)** that Joel Wolfe had never been included as a Trustee due to his abusive behavior towards both of his parents which occurred for years. (Hal and Ellen had a follow up meeting with Mr. Weiler in spring of 2016, and Hal told Mr. Weiler about brother Joel preventing his parents from visiting with their 3 grandsons. Joe replied that it's any parents' right to deny any such visitations with no cause.)

2) Failure to consult with his client: Mr. Weiler (under Chalgian & Tripp) turned his back on his purported client, Mrs. Wolfe, and instigated a severe emotional assault perpetrated against her by her son Chris who threatened to “destroy her family if she signed that agreement with Hal.”

(The agreement in question was a Trust amendment that Ellen had agreed to that a real estate lawyer Hal knew wrote up for them. It was submitted to Joe and without consulting with Mrs. Wolfe, he forwarded it to Chris who then turned on his mother in a fit of anger over the phone.)

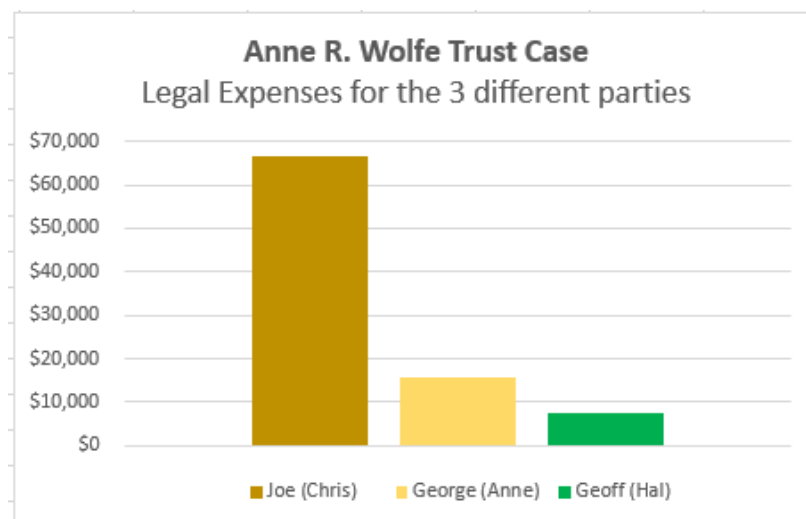
3) Failure to support a (“summerhouse”) gift agreement that his client chose to make:

Mr. Weiler (under Chalgian & Tripp) would not consider a gift agreement that Mrs. Wolfe made to her son Hal regarding the summerhouse of the family’s contentious Charlevoix vacation property. Further, he worked on getting this rescinded against her wishes right up until she died, (see time entry below) and he & Chris effectively did that after she died using an inappropriate property valuation which lacked itemization as is required for all developed items such as the summerhouse – they gave only a lump sum. *(FYI - Ellen Wolfe died on Monday, 10/17/2016.)*

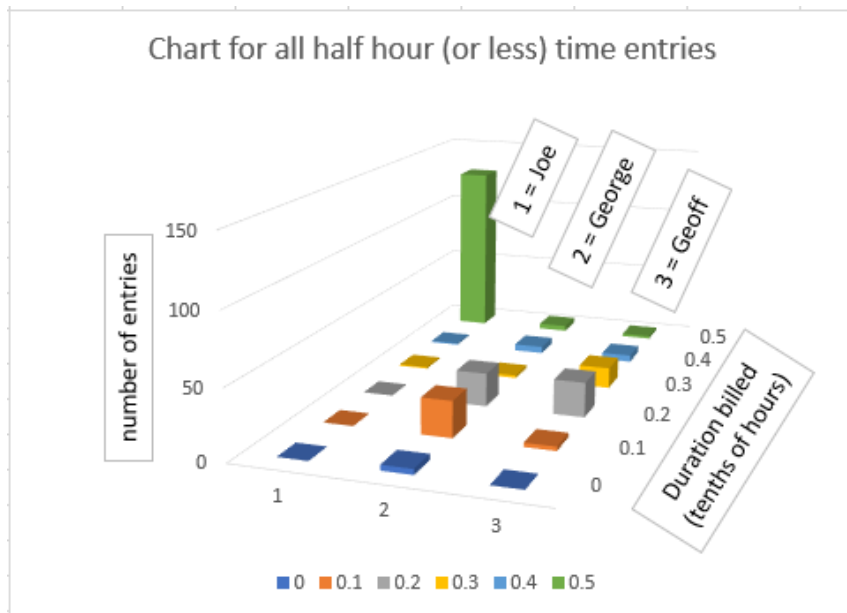
10/11/2016	JGM	Prepare Revocation of Gift Agreement	(summerhouse “gift”)	0.40	54.00
	CMM	Revise petition		0.30	75.00
10/12/2016	JDW	Continue to work on Conservator ship; Review/analyze same with Attorney Milholland		1.00	275.00
10/13/2016	JDW	Attend office conference regarding planning options and next steps		1.00	275.00
	CMM	Conference with Mrs. Wolfe		1.00	NO CHARGE
10/18/2016	JDW	Extensive review of file in advance of office conference with C. Wolfe; Review/analyze file with D. Lind; Attend conference with C. Wolfe		1.80	495.00

Of note: these 3 issues were reported to the owners of Chalgian & Tripp in detail by Hal Wolff.

4) Mr. Weiler’s billings grossly exceeded those of the other two lawyers who worked on the case. (These were George Phillips (for Anne Wolfe) and Geoff Malicoat (for Hal Wolff/Wolfe.) (Note – all accounting expenses for annual reports were removed from Joe’s billing total below.)



5a) Mr. Weiler's billable hours are grossly inflated: It is clearly apparent from casual observation that Mr. Weiler inflated his hours by charging almost exclusively a full half-hour for shorter things (such as phone conferences). The stunning disparity between Joe's billing and those for the other two lawyers on the case is abundantly evident as depicted in the graph below.



This tendency is further proven per the records below using comparative billing data provided by the other two attorneys for events they participated in (separately) with Mr. Weiler, which unequivocally prove based on the corroborating billing records that the events actually took much less time than what Joe logged – to the tune of a likely 71% overcharge by Mr. Weiler.

List of phone call records that occurred between Joe and another of the two attorney updated: 4/14/2024 H.Wolff									
Weiler						Other			
			hrs	rate key	rate	amount	hrs	Attorney	amount
1	01/26/22	telephone conf with opposing counsel	0.50	A	\$325	\$162.50	0.2	Malicoat	\$50.00
2	10/19/22	telephone conf with attorney Phillips	0.30	B	\$350	\$105.00	0.1	Phillips	\$20.00
3	01/31/23	Telephone conferences with counsel	0.50	B	\$350	\$175.00	0.2	Phillips	\$40.00
4	03/07/23	Telephone conf. with public guardian	0.50	B	\$350	\$175.00	0.1	Phillips	\$20.00
5	04/03/23	Telephone conf. with counsel	0.50	B	\$350	\$175.00	0.0	Phillips	\$0.00
6	04/14/23	Telephone conference with attorney Phillips	0.50	B	\$350	\$175.00	0.2	Phillips	\$40.00
average:			0.47		\$2,075		0.13		\$170
			over by:		\$1,482	based on this >>		29% of what Joe's claimed	

phone call comparisons:	6	full halves:	98.5%	Note regarding the 71% overage as determined by data: The comparative phone record data was extrapolated over ALL of Joe's half hour time entries, and using the same rate of overage shown in the 6 comparative entries there's a potential over-billing of \$15,000 against the SNT.
Joe's call time for the 6:	2.8	21%	of all hours	
Joe's average time (hrs):	0.47	41.8%	(of all entries)	
Goerge + Geoff call time:	0.8			
G/G average time (hrs):	0.13	likely overcharge:		The "excuse" offered to account for this huge difference between Joe's billings and the other attorneys was that Joe generally did other items in the half hour. Checking his records indicate that 99 of 128 of time entries (77%) only list one item, so that explanation doesn't hold up.
G/G vs Joe per data:	29%		\$15,420	
Total half hour entries / single item:	128		99	

Of note: Mr. Weiler made it impossible to make this above comparison by withholding the detailed records for Mr. Phillips, who billed to him to be paid by the Trustees. It was only after I complained that the Judge (apparently) required Mr. Weiler to provide the itemized billings for Mr. Phillips for the 2nd year of the case. Most of Mr. Phillips detailed statements (for the first year) which would provide a lot more comparative data have still never been made available.

5b) Mr. Weiler appears to further inflated his hours by adding highly questionable entries, such as “review proceedings”, “review correspondences” and “work on file”. Below is a total of all 3 of these entries. (Any entries that also had other noted items were removed – the totals below represent only entries specifically dedicated to the three questionable entries.)

Grand total for the 3 questionable log entries:				\$18,600
Total number of bogus entries:	68	% of total	27%	
15	13	40		
Rev pleading	\$6,093	Rev. Corres	\$2,363	work on file \$10,145

The combined total for the extrapolation of the inflated half hours plus the 3 questioned entries is stunning. (There is some overlap between the half hour entries, and the questionable ones.) Eliminating the overlap, there still exists **a potential billing overage of \$31,832 from Joe, which represents more than half (50.7%) of his total billing for the entire case.** This is absolutely incredible! It appears that Mr. Weiler may have more than doubled his earnings for this case based on 30-minute min. round-up and creating superfluous entries of dubious value.

Predicted overcharge for 128 half hour billings:	\$15,420
Possible overcharge for 3 questionable entries:	\$18,600
Overlap of half hour questioned entries eliminated:	(\$2,188)
Total potential overcharge for 1/2 hrs + 3 questionable:	\$31,832

It should be noted that Joe left his former firm of Chalgian and Tripp shortly after the Wolfe Trust court case was initiated. It seems evident that at such a time he may have been in financial need and anxious to generate a healthy income to keep his new business afloat. (That’s a guess, but the reality is that less than 2 months after this case was filed, Joe left Chalgian & Tripp.)

Conclusion: Chris Wolfe created a partnership with Joe Weiler which allowed each of them to exploit a situation to benefit their personal interests - Chris to gain greater control of the family assets while Joe was clearly motivated to make money to sustain his new law practice. Together they teamed up and exploited a vulnerable client, Mrs. Wolfe, who was 91 years old at the time Joe helped Chris drastically to alter the Trusts that her deceased husband (Richard) orchestrated. Chris benefited from the inappropriate Trust changes and Joe benefited from the money he made from the ensuing, drawn-out, year-long court case. As a result of Chris’s anger, Joe’s ambition, and Judge Allen’s inaction, the Wolfe Trusts were effectively plundered for nearly \$100,000 of needless expenses while inflicting emotional damage to Ellen, Anne & Hal. (It was disgusting.)