

Submission to the Michigan Attorney General for a Complaint regarding Public Integrity

Background: My sister has a Special Needs Trust that is administered by my oldest brother and his wife as co-Trustees. For some time I felt they were not performing their duties appropriately. For starters they live on the West Coast and are largely removed from her life which makes things difficult for them and for my sister. I also felt they should be allowing her to use more Trust resources to enhance her life. Further they had never provided a financial accounting for the Trust in the 5 years they had managed it. After suggesting changes including additional spending to allow my sister a more fulfilling life and also requesting accountings, both requests which were rebuked, I filed a lawsuit on my sister's behalf to have them removed which if so, another brother and his wife would have been next in line as Trustees.

Today: As this case recently neared a Court mandated mediated conclusion, I was accused of being in Contempt of Court by the Honorable Judge Dorene Allen for exercising my 1st Amendment rights in a written statement I provided to the Court along with my signature on a document they demanded of me, and apparently also for not personally appearing at a hearing at which my lawyer represented me - a hearing which myself, my lawyer, and my sister's lawyer all felt should not have occurred, and for which I was not personally subpoenaed.

Under the duress of mounting legal fees and a Judge that seemed to have no interest in allowing me to present my case in court, I agreed to an alternative solution in mediation to create a small secondary Trust which I would administer to help support my sister. The "Sub-Trust" that would be funded annually by the primary Trust. The existing Trustees would remain, but I would be the Trustee for the new Sub-Trust. However, a pernicious clause was added to the Sub-Trust agreement that I was not made aware of, didn't notice, and didn't understand. Turns out that when I had signed the Sub-Trust settlement agreement (again under significant duress while out in the parking lot of my brother's lawyer's new offices where the mediation session was for some reason held), I unwittingly also agreed to sign a 2nd agreement that was not prepared at that time. It was a "Mutual Release & Hold Harmless Agreement" that was to serve as an amnesty agreement for my brother and his wife, for anything I might object to "from the beginning of time" as their lawyer so brazenly stipulated. What a clever trap I had fallen into. My sister as well. Neither of us were warned by our legal council what the implications of the added clause might be.

When the secondary agreement was subsequently prepared, I found it egregious and I refused to sign it. I made a modification to the original version of the Hold Harmless agreement that I was comfortable with and I signed that. My lawyer then presented that hoping it would be accepted. It retained most of the original agreement, but limited the scope of the "immunity" to the case itself, not all Trustee behavior for this Trust and a previous Estate Trust which the Trustees had also administered (and over which I had also contested their unscrupulous conduct). The original version of the Hold Harmless Agreement their lawyer wrote would have provided protection for any and all objections I might have had with the Trustees. This was FAR outside of what I had intended to agree to based on the extremely limited outcome I had eventually surrendered to, but it seemed I was stuck - I had been dupped in a game of legal shenanigans, and the lawyer of the Trustees, whom I had previously also had serious objections to, was determined to play it for all it was worth. He was finally going to be able to even a score with me, and he was going to be able to charge his expenses to my sister's Trust while doing it. It was disgusting.

It was no surprise that the modified version of the Hold Harmless Agreement my lawyer and I submitted was not acceptable to the counsel of the Trustees. Due to this impasse, a hearing regarding this disagreement was quickly orchestrated in Judge Allen's courtroom. (Of note, during a 9 months long dispute regarding the support of my sister by her Trustees, no hearings were held - but as soon as there was a complaint by the Trustees' lawyer over something I disagreed with that they wanted, a hearing was

quickly ordered. Let's just say I found that a tad strange.) At the hearing, Judge Allen stated that she had read both versions of the document and that she felt that the version from the Trustees lawyer (with its reference to "the beginning of time") was preferred by her, and I was then given 24 hours to sign that agreement, or else. I was not allowed to speak at the hearing, nor was my sister who also attended with me. Again, I refused to sign.

Why did I refuse? First off, their agreement provided immunity for the entirety of the flagrant and excessive level of spending on legal costs that were taken from my sister's Trust, which was obviously a large part of what the Trustees' lawyer wanted to protect – the pocket books of himself and his very wealthy Trustee clients were at stake. **Of note on expenses:** my own personal legal expenses totaled ~\$6,000. The legal expenses for the Trustees totaled over \$60,000 – all billed to my sister's Trust. And they shrewdly weaponized this spending to apply psychological pressure on my special needs sister which they did with ruthless persistence - telling her how much of her money they were spending and that she needed to pressure me to withdraw my lawsuit. It was the most disgusting miscarriage of a legal process I can possibly imagine - and yet I am told it is legal and in fact standard practice to allow Trustees to plunder a Trust fund they had sworn to protect, when in reality in this case they were protecting their ability to control of the Trust and their egos after they lied numerous times about providing the legally required accounting documents, which they finally produced, but not until seven months after I filed my law suit.

But more importantly, the Hold Harmless Agreement also contained a final clause that stated I was signing the agreement "voluntarily, free of any undue duress or coercion." That was absurd - I was under huge duress - I was being threatened with Contempt of Court charges and a \$2500 fine. Notice for a 2nd hearing was posted and the fine was bumped up to \$5,000. And all the while, my sister's Trust funds were still being syphoned off into the coffers of the Trustees' very determined lawyer. I was disgusted, and under the pressure of all of this, I gave up. I had to – the weight of the legal system including my brother's attorney and the Probate Court Judge who appeared to be sympathetic to him had turned my case into a money-sucking monster and it was all working against me, and against my sister's interests as well. So I signed the document under massive duress, and added a written statement flatly refuting the absurd clause claiming I had signed of my own free will. I had done no such thing, and that claim was disgusting. It made me feel like something that would occur in Russia or in Red China. I also immediately resigned as Trustee for the still unfinalized Sub-Trust. No way I could stomach being a part of such a settlement. It had all gone too far and my own mental health was being put in jeopardy.

But this wasn't good enough for Judge Allen - my compliance coupled with my honest statement refuting my voluntary signature was denied by the Judge. A 2nd hearing was called even though I had signed the required agreement. At the 2nd hearing, I was found to be in Contempt, and I was required to sign a 2nd identical agreement but with a different date than the original signing, and I was not allowed to add any document to speak the truth indicating that I was NOT signing of my own free will. The intent was obvious, to white-wash my forced compliance as being voluntary. It was the most disgusting display of heavy-handed judicial conduct run amuck that I can possibly imagine. It wasn't a forced confession in a precinct backroom by a pushy, vengeance-minded cop trying to enforce street justice. What occurred was psychological abuse by a seated member of the judiciary - someone pledged to uphold the highest standards of the law who was savaging my rights and making a mockery of our Constitution in the process, all to create the version of justice she apparently favored – one in which honesty was not allowed after someone (me!) had been dupped into agreeing to subsequently sign a Mutual Release and Hold Harmless Agreement. Not only did I not understand what I had signed up to, what I had agreed to sign didn't even exist, and when it was produced, it was something I could definitely not voluntarily support as

it contained an acquittal which clearly intended to prevent me from challenging the Trustees excessive legal spending in the future as I had considered doing. (Of note - I filed a brief with the ACLU requesting their support with exactly that effort – unfortunately they declined.)

So under a final threat of having to report to the Midland County Jail if I continued to object to being harshly forced to “*voluntarily*” sign the Court favored version of the Hold Harmless agreement, I complied. In the process of this debacle, I have lost all of my respect for the Midland County Probate Court and the Judge who presides over it. Yet despite all of the gamesmanship and drama, I am still trying to support my sister by helping to orchestrate an altered Sub-Trust agreement in which another brother of mine who wasn’t caught up in the conflict will take over the role of Trustee for the Sub-Trust that was to be set up for my sister’s benefit. That situation is still unfolding at this time.

So that’s my story. I can very honestly state that I vehemently disapprove of being coercively forced to provide voluntarily consent for something I don’t approve of, even if such agreements have been woven into the fabric of the American judicial system as a standard part of the process. I am also no fan of having my 1st Amendment rights trampled on by an aggressive, self-serving lawyer working in tandem with a local Judge who could teach a communist dictator a thing or two about applying psychological thumb screws and what to do with people like me that object – lock them up! Our founding fathers should all be turning over in their graves, along with both of my departed parents who worked so hard in their life to try to support my sister after they were gone – only to have this wretched outcome. What a crying shame and disgrace to all things of honor. Joseph Weiler and Judge Dorene Allen turned an honest man who is an Eagle Scout and a retired Ford engineer who created his own non-profit organization to help the physically disabled and who is fighting stage 4 cancer into a criminal fit to be tossed in jail. Fie on both of them. And that’s putting it mildly.

How would I like this problem resolved? It was already resolved at my expense, and at significant expense to my sister’s Trust, but I think an inquiry should be conducted and both the Judge and lawyer of the Trustees should be censured and possibly fined for misconduct. I also think the Trustees should be made to personally repay most of the legal fees they so zealously expended from a Trust whose (financial record-keeping) constraints they conspicuously violated. No one can fix or repay myself or my sister for the psychological hardship we have been forced to endure, but those remedies would help.

Hal Wolff
2-08-2023