

## **Grievance against Midland County Probate Judge Doreen Allen 1-23-24**

This grievance centers around a case that was filed by Halsey Wolff (formerly Hal Wolfe) in Judge Doreen Allen's court in Midland Michigan. (Midland County Probate Court: File #21-1951-TV, filed on Dec. 12, 2021.) The case requested Trustees (Chris & Cynthia Wolfe) of a Special Needs Trust (SNT) for Anne Wolfe be removed for breach of conduct for their failure to provide accounting for the SNT they managed, and for unsavory behavior displayed towards the Trust's beneficiary. I felt their conduct merited scrutiny being a Trust for someone who has long struggled with mental illness and its stigma.

### **Issues of significance:**

- 1) **Overall case management:** many private meetings with the lawyers were held. No meeting with family members was offered. Even when my sister (the beneficiary of the Trust) and I were in a hearing with the Judge – she refused to allow us to communicate.
- 2) **The case was allowed to drag on far too long:** the Judge made no serious attempt to expedite things, and the delay significantly benefited the defendants and their lawyer allowing him to amass a large amount of hours and legal fees paid for from the Special Needs Trust.
- 3) **Trust defense spending during breach of contract:** The Judge allowed the defendants to spend Trust money while they were still in breach of contract due to financial reporting lapses.
- 4) **Ten to one spending disparity prior to a mediated settlement:** the sluggish process the Judge oversaw with no guidance provided on timing or spending limits, allowed a hugely disproportionate level of spending on legal fees (plaintiff fees of \$5,500; defendant fees of \$56,000 in that same time period. Over 10 to 1 spending ratio.) (*See “The Dirty Money Game”*)
- 5) **David vs Goliath edict:** the Judge rewarded the defendants for their spending strategy when issuing the edict that the losing side would be required to repay the winner's legal fees.
- 6) **Judge Allen sits idle and allows unethical behavior:** the Judge never took decisive action on this case, which allowed the Trustees to spend their way out of their breach situation, and also to amass a level of spending of Trust resources that was both a psychological weapon used against the plaintiff and the Trust beneficiary. Finally, the David vs Goliath mandate forced an unsavory mediated agreement with limited resources and no teeth to enable it to operate effectively.
- 7) **Judge Allen won't accept a signed release statement:** I was forced to sign-off on a Mutual Release and Hold Harmless Agreement that I was not expecting, and one that was structured to allow the Trustees to get protection for both a contentious prior Trust settlement, and also for the grossly excessive spending that proliferated during their defense for this case. When I reluctantly signed and added a written complaint, the Judge refused to accept the signed release.
- 8) **Judge Allen issues an inexplicable Contempt of Court charge against the Plaintiff:** I signed the required Release agreement, but the Judge refused to accept it because I also provided a statement indicating that I was upset - with the Trustees, their lawyer, and with the Judge. Judge Allen then issued a contempt of court charge based on my choice to have my lawyer represent me at the final hearing (which my lawyer felt was unneeded) when NO SUBPOENA WAS ISSUED.
- 9) **Judge Allen accepts incomplete financial statements:** a 2022 Trust financial review was held on June 1, 2023. The Trustees' lawyer only provided records through Nov. of 2022. Further, the lawyer who was recommended to support Anne Wolfe never provided any details of the time spent on the case. He provided no itemized time statements whatsoever, and didn't even divulge what his hourly rate was. Both of these issues were raised, but the Judge didn't act on either.
- 10) **No day in court and no verdict.** I had expected that if I paid the price, had cause for filing, that I'd get my day in court. I wasn't certain a verdict would go my way, but I felt I had just cause to request a verdict, but the Judge seemed determined not to allow this. She remained detached.

**1) Overall case management:** at a bare minimum I expected that at some point not too long after the case was filed, there would be a hearing of some sort presided over by the Judge, in which all sides (myself, the Trustees, and certainly my sister) would be allowed to speak in public on the record regarding their feelings and convictions on the matter. I also expected that at that time the Judge would provide some commentary (guidance even) regarding the gravity of the situation, what the legal options might be (such as a compromise (split the Trust possibly), arbitration, trial, etc) and the potential courses of action that could ensue, such as what would likely transpire in the coming months, and if and when an actual trial might occur. This never occurred, which I found shocking and very disappointing.

**2) Trust defense spending during breach of contract:** one of the most discouraging aspects of this case was that the Trustees – while still in breach of contract - were allowed to plunder the Trust for funds and it spend freely to manage their own defense – while still in breach! They had never provided the financial documents they were obligated to provide – which was a point of duress for my sister. (Over a span of 5 years family members had literally pleaded for such information, often to be publicly castigated by the Trustees.) Yet the Trustees were allowed to spend Trust money freely both to alleviate the breach, and also to vigorously defend themselves, from a problem they created. **They should have been required to SPEND THEIR OWN MONEY** - at least until such a time that the breach situation was resolved (possibly short of some reasonable accounting costs), but this was never a point of consideration or guidance from Judge Allen. The Judge allowed the excessive spending to occur right under her nose.

**3) The case was allowed to drag on far too long, at the expense of my sister's Trust** - the painfully slow process followed allowed the defendants to resolve their legal lapses in financial reporting, and also time to shrewdly build a weapon of spending that they were allowed (even encouraged) to use against me, and against my sister. The slow pace and lack of willingness for the Judge to allow any hearing or public statements allowed the defendants the time they needed to effectively cover their tracks and produce the financial statements, and all to the benefit of an aggressive and in my opinion highly unethical lawyer who profited handsomely while gouging the Trust of my sister very deeply.

**4) Ten to One spending disparity prior to a mediated settlement:** It took most of a year to get a mediated settlement, and by that time, the “rumor” (per my brother Chris) was that their team had spent \$100,000 dollars. My own legal costs, paid for myself, were less than 1/10<sup>th</sup> of that – around \$7,000.

There should be a law, or at least should have been a Judge's warning that spending Trust money too loosely would be reviewed with possible repercussions including mandatory repayment of some or all of the costs. The Judge made no attempt to limit the offensively high level of spending by the Trustees and their team of lawyers. It seems they could have devoured the entire Trust on their precious, ego-induced defense, and it seems Judge Allen would have had no objection to that. (*See “The Dirty Money Game”*)

**5) David vs Goliath edict:** with regard to expenses, at some point the Judge issued what I can only describe as a threat that if the case went to trial, she would force the losing side to repay the legal costs of the winners. It appeared to be a means to force an outcome without her having to render a verdict. I feel this was unethical judicial behavior. First, the Judge allowed the defendants to amass a huge legal fee, effectively sat idly by while the amount of money was used to emotionally abuse my sister, and then the Judge declared that the grossly disproportionate spending could be used to further bludgeon me based on the threat that I might be required to repay the entire immense sum out of my own pocket – outrageous accounting costs and all. The reverse scenario was that the Trustees might be required to repay the far smaller sum of my legal fees, and even then, possibly out of the Trust at no cost to themselves, but even if it came out of their own pockets it was a drop in the bucket compared to what I would face. The “repayment edict” was brazenly unfair with the spending scales tipped so far out of balance.

Further, once the edict was issued, it was a virtual green light for the Trustees and their lawyers to double-down and spend Trust money even more recklessly as the Judge appeared to be condoning it and allowing them to hold it over my head. In my humble opinion, it amounted to an aberration of justice.

**6) Judge Allen sits by and allows unethical behavior:** Judge Allen had numerous private meetings with the lawyers but excluded any family contact. My sister was mentally tormented by numerous family members blaming her for the lawsuit, and pressuring her to try to get me to give up on the case. It was inhumane and revolting but the Judge didn't seem consider that things like that would likely be occurring. The complaint I filed mentioned that my sister had been publicly brow-beaten by her sister-in-law, yet that didn't seem to register with the Judge as a warning sign. I told my lawyer about this and even wrote two letters I intended to present to the Court, but I was told the Judge wouldn't read them as a matter of principle. My sister's lawyer seemed to insinuate my sister was an idiot – a term I'm told he used often. I suggested my sister write to the Judge, but she was emotionally grid-locked. The Judge effectively allowed the two Trustees (both doctors) and their team of lawyers to inflict harmful psychological damage to a vulnerable woman. *The Judge could have provided humane oversight, but she failed to do so.*

Further, and more importantly – this standoff-ish delay allowed the defendants and their lawyers to shrewdly weaponize their spending in a diabolical manner that was larded over the heads of both myself and my sister with my brother providing arm-twisting (and mind bending) updates regarding the level of spending being conducted, and using that psychological duress as leverage to try to coerce the case against me to be dropped. THIS SHOULD NEVER HAVE BEEN ALLOWED TO TRANSPIRE AS IT DID, but it did, and all under the watch of Judge Allen, who seemed oblivious to the unethical nature of what was occurring. In fact the Judge actually seemed to endorse the unethical behavior by setting up the David vs Goliath show-down for the fee repayment edict she eventually demanded. It was shocking.

Finally, in doing nothing to help control the spending of the Trustee's lawyers, Judge Allen effectively allowed a vindictive lawyer, brother and sister-in-law to take out their anger on me - the one person who stood up for my sister to help her and try to get the Trustees to operate fairly and within the law. This also allowed them to "even the score" for a couple of previous legal confrontations and to spend my sister's Trust money flagrantly while lining their own pockets in the process. It was thoroughly disgusting.

**7) Judge Allen won't accept a signed release statement:** when the ordeal finally wound down, I was effectively duped into signing an agreement that contained a newly added clause that called on me to sign a previously unmentioned and undisclosed statement requiring I provide full amnesty to the Defendants from "the beginning of time" until they signed the agreement themselves. I was prepared to release any rights to future litigation for every single one of the claims that had been made, but I was not prepared to give up my right to take future legal action based on the repulsive behavior that was engaged in DURING the trial itself, especially with the flagrant spending that occurred. This was very disappointing.

**8) Judge Allen issues an inexplicable Contempt of Court charge against the Plaintiff:** I eventually signed the required Release agreement, but also provided a statement indicating my thorough dismay in how the entire case was handled, both by the Judge and the opposing counsel, and consequently included my resignation as Trustee of the Mini-Trust. I lost the will and ability to serve under the circumstances.

Yet for reasons unclear, Judge Allen refused to accept the signed release. (Both my and Anne's attorney's felt that the signed release should suffice to terminate all proceedings, even with my (free speech) statement of dismay and resignation included. However it appears the Judge took umbrage and decided otherwise. The Judge also apparently believed a whopper that the Trustee's attorney proffered, which indicated that I had been subpoenaed to the final hearing. I had not been, and I was appropriately represented by my lawyer, and yet I was given a charge of Contempt of Court and a demand that I re-sign

the very same document, or to report to the County jail. This was a bizarre and unsettling dose of retribution and humiliation from a seemingly vengeful Judge all heaped into one. Touche’.

**9) Judge Allen allowed incomplete financial statements:** this may seem is minor, but it isn’t. There was a 2022 financial review for the Trust on 6-1-23 (which was delayed at the Trustees request) yet the Trustees’ lawyer only provided records through Nov. of 2022. No reason was stated for the lack of completeness. Further, a lawyer that she recommended to support my sister failed to provide any details of his time spent on the case. HE PROVIDED NO ITEMIZED TIME STATEMENTS whatsoever, and didn’t even divulge what his hourly rate was. Both of these issues were challenged, but the Judge took no action on either of them. The Judge even stated that the records for my sister’s lawyer were in order. Her lawyer charged more than my lawyer did. How? We have no idea, because he provided no statements, and that was ok with Judge Allen. (She recommended him.) I also requested that the Trustee’s lawyer provide all financial records for the entire amount of time spent on the Trust case. They didn’t, so in fact, we still have no firm idea what the total spending for this case amounts to, since it lingered on into 2023.

Ostensibly we will finally find out what the spending total for the Trustee’s legal team was (I hope) when the financial records for 2023 (and December of 2022) are finally turned over sometime in 2024. Why should we have to wait this long? I understand that accounting records are generated for annual end of year reports – but what would have prevented them from simply supplying the records for this entire case after it culminated? I provided that information from my lawyer, and I requested that from the Trustees’ lawyer, but it was not to be. It appeared that the Judge just went through the motions and signed off on whatever was presented. 11 months? Fine. No time statements? Fine. I don’t like it? Tough. (I had also requested that the hearing be delayed so that the records could be completed. That was denied, with the stated reason being that I didn’t make a formal request to the court in time.) But the Judge also didn’t request that complete records be generated, nor did she allow me to speak when I attended the review. I very nearly went to jail over the issue of excess spending, and Judge Allen more or less trifled it away.

**10) No day in court** and no verdict. I had expected that I would be allowed this privilege. I felt I paid the requisite price for this privilege and that I had raised a number of issues that merited review. I wasn’t certain a verdict would go entirely my way, but I felt I had the right to make a case for a verdict, but the Judge seemed determined not to allow this. She remained aloof and detached from start to finish.

**In conclusion,** I feel that Judge Allen showed a disinterest in providing the basic support that would be considered appropriate for a case brought to her or any Court. The Judge also appeared to show favoritism for the defendants and their attorneys, disdain for the plaintiff, and a lack of moral fiber while allowing the beneficiary of the SNT to suffer for a prolonged period of time, never allowing my sister (or any family members) to communicate with her other than through the filter of her expensive, uncouth attorney.

Further, the Judge forced an honest man to lie about voluntarily signing a document under coercion, and then created an inappropriate (possibly illegal) contempt of court warrant. If anyone should have been found to be in contempt, it should have been a Judge who showed contempt for decency, for free speech, and for the law if it conflicts with a vendetta of her own. I feel that she should be soundly admonished.

**I also feel the Judge owes Anne Wolfe a public apology** for allowing so much of her Trust to be squandered, and for allowing the prolonged psychological abuse to occur. I also feel she owes me an explanation as to why my signature on the first release I signed under protest wasn’t legally acceptable, and how I could be charged with contempt for allowing my attorney to represent me at a hearing that my attorney felt had no need or legal basis to even occur, and for which no subpoena was actually issued.

Halsey Wolff, January 23, 2024