

STATE OF MICHIGAN
MIDLAND COUNTY PROBATE COURT

File No. 21-1959-TV

Hon. Dorene S. Allen

In re the Trust for the benefit of Anne R. Wolfe

Hal Wolff, Petitioner
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Weiler Law Group
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COUNTER RESPONSE TO OBJECTION

NOW COMES Hal Wolff, (“Petitioner”) states in response to Mr. Weiler’s letter of 4/11/2022:

1. The entries I refer to in point 1 of my objection letter dated 3/25/2024 represent **every single entry Attorney Weiler himself submitted to the Court of 0.5 hours OR LESS**, which encompasses 130 individual entries. To state that he is not aware of what these entries are is tantamount to stating that he can’t find his own billing records. (I can itemize them if requested – I logged all of his entries in a detailed Excel spreadsheet.) Again, only 2 of the 130 entries are billed for an amount of less than 0.5 hours – which makes it appear like those two were most likely clerical mistakes (ie data entry errors).

Irrespective of this, it is obvious that it is the standard operating procedure of Attorney Weiler to bill a rate of 0.5 hours as a minimum, regardless of the actual time (possibly under that minimum) spent on any given action on any given date. I do not know if this is considered ethical and acceptable when working for an “at will” client, but I claim that this pattern is egregiously unethical when billing against the Trust of a woman with a lifelong disability who was at the mercy of Trustees who appeared willing to allow any level of spending that Attorney Weiler was willing and able to indulge in.

2. The time entries that I refer to in point 2 of my objection dated 3/25/2024 encompass **every single detailed time record submitted from Attorneys Malicoat and Pillips.** For Mr. Weiler to state that he is “*unaware of the specific time entries to which Hal Wolff is referring*” is essentially stating that he is not able (or willing) to bother reviewing the time records for either of those attorneys. I have all of the entries for all 3 attorney who worked on this case logged into an Excel spread sheet which I am happy to provide to the Court on request. (They are simply duplicates of what was already submitted, but transcribed to Microsoft Excel which allows me to perform data analysis.)
3. I am happy to provide the Court a list if the 6 (not 7) dual corresponding phone call time entries that prove beyond any shadow of doubt that Attorney Weiler engaged in a systematic pattern of overbilling the Anne R. Wolfe Trust. **(See attached sheet.)** Those six entries represent only a couple of thousand dollars, but the pattern of charging a minimum of a half hour could represent an over billing of up to \$15,000 using the evidence of comparative entries based on these 6 specific time records from 2 different attorneys for the exact same events, in which **on every single occasion, Attorney Weiler billed more than double the amount of time the other two attorneys billed for the exact same phone call** made between the two attorneys.
4. In the entirety of entries I reviewed in all of Attorney Weiler’s records, 3 or them stand out as troubling. These are: 1) “Review Pleadings” which occurred 18 times (not 13 as originally stated); 2) “Review Communications” which occurred 12 times, and finally, 3) “Continue to work on file” which is listed 40 times in Attorney Weiler’s time entries. OF NOTE – neither of the other 2 attorneys who worked on this case had even a single such entry in their time records – but Attorney Weiler had 70 of them. The total amount of money billed for these ambiguously labeled entries total nearly \$20,000.
5. When Mr. Weiler states in his comment A on his letter dated April 11, 2024 that “we bill for the time that we spent working on this matter rounded up to the nearest one-tenth of an hour” – **this is not a true statement. In fact it is unequivocally false.** Other members of Mr. Weiler’s staff engage in the pattern suggested as their time entries reflect. Attorney Weiler himself DOES NOT. He bills at a half hour minimum, and half hour increments for times above that, with the exception that he also does bill at a quarter hour increment for the specific amount of 0.75 hours. (There was also ONE single entry for 1.75 hours on 4/19/22). All the rest of his 248 personal entries that aren’t 0.75 hours (less a total of 4 out of 248 entries which deviate from the prevailing pattern) are in half hour increments. Attorney Weiler is certainly free to engage in any pattern of billing that he sees prudent for his “at will” clients, but a higher standard must be demanded when working for Trustees entrusted to oversee the funds for a Special Needs Trust of a disabled woman. THE DATA indicates an egregious level of unethical behavior that appears IN MY OPINION to display willful malpractice.

Attorney Weiler himself had the audacity to convey a private and rather ominous statement in person to my face prior to a hearing conducted in Bay City on 9-22-2022. After I made some statement to him as a greeting of sorts intended to be a benign ice-breaker along the lines of “Hopefully we can get things wrapped up at without too much trouble”, to which Mr. Weiler turned to me and replied with gravity, “we haven’t even gotten started yet.” This incident stuck with me as the statement Joe made seemed intentionally menacing when delivered face to face in a hallway prior to a mediation hearing, which indicated to me Mr. Weiler’s willingness to apply pressure to me personally (which was also done to my sister a number of times by her Trustee brother and sister-in-law when the level of spending was emphatically reported to her from time to time) in an attempt to force a termination of the lawsuit by any means possible, including spending Trust funds egregiously, as I believe occurred as demonstrated by my thorough analysis of the billing data provided.

PETITIONER REQUESTS that this honorable Court

1. Request a review and explanation of the billing practices of Attorney Weiler *AT A PUBLIC HEARING* to attempt to determine how he accounts for the excessively large amount of half hour entries (with only 2 out of 130 that were entered for an amount of less than this), how he can contend that he himself adheres to a 1/10 hour billing pattern when he obviously does not, and how he accounts for the direct discrepancies for the time billed for the afore-mentioned 6 phone calls (from item 3 above), if it is for any reason other than a standard billing practice of a half hour minimum allotment.
2. Award such relief to the **Anne R. Wolfe Trust** (*NOT to Hal Wolff*), as is fair, just, and equitable.

Dated: 4/15/2024

Hal Wolff

| List of phone call records that occurred between Joe and another of the two attorneys | | | | | | | | | | updated: 4/14/2024 | H.Wolff | | |
|--|----------|---|-------------|-----------------|----------------|------------------|----|-------------|-----------------------|--------------------|---------|--|--|
| | | | | | | | | | | | | | |
| | | | | | | | | | | Weiler | | | |
| | | | hrs | rate key | rate | amount | | hrs | Other | 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 | | | | |
| <p>** a rare entry under 0.5; this is 1 of a total of 2 out of 130 separate entries of 0.5 hours or less that was actually less. The flip side of this is that 128 of Attorney Weiler's 130 entries (98.5%) of a half hour or less were for a half hour. In stark contrast, for Attorney Malicoat, this figure was 2 out of 50, or 4%. For Attorney Phillips it was 4 out of 65, or 6.2% This is a remarkable contrast in billing data. It appears that Mr. Weiler profited by rounding his entries up to 0.5 hours.</p> | | | | | | | | | | | | | |
| <p>Of note: In contrast to a claim by Mr. Weiler, 99 of the 130 time entries of 1/2 hour (or less) were "single-item entries" 76%</p> | | | | | | | | | | | | | |
| <p>Note: Of 17 calls Joe noted to "opposing counsel" or Attorney Malicoat, only two entries are found on Geoff's billing records. <i>(Geoff indicated that most calls from Joe were short and he didn't bother to note them in his records.)</i> From these 2, and from 2 others that Geoff made to Joe, these 4 calls took a total of 0.9 hours, or 0.225 hours per call.</p> | | | | | | | | | | | | | |
| <p>Note: Of the 25 phone conversations between Joe and George Phillips, only 8 of them came after 10-10-22, which is when Attorney Phillips began to provide itemized time records.</p> | | | | | | | | | | | | | |
| <p>Of the 8 calls made with corroborating records from Attorney Phillips, 5 of them are "independent entries" from Mr. Weiler, (ie only a call) and each of those 5 shows a significant time discrepancy between Attorney Weiler and Attorney Phillips.</p> | | | | | | | | | | | | | |
| <p>For the period from 3/1/22 to 10/5/22, no itemized records were offered from Attorney Phillips. There are 18 calls that occurred in the time period for which no itemized records have been made available. Gaining access to these records would be an appropriate way to further gauge Mr. Weiler's veracity and billing accuracy.</p> | | | | | | | | | | | | | |