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There are no unread comments at this time.

Oakland County ward Nancy Haddock in an ICU following guardianship. Image courtesy of Catherine Haddock

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A Michigan court tasked with protecting its most vulnerable citizens has become home to a roiling controversy charging abuse, exploitation, robbery and neglect.

By Gretchen Rachel Hammond

Editor: Christie Chisholm

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Forensic investigator: Tim Mulholland, CFE, MSAF

The families, advocates and few attorneys who fight back against what they allege is massive corruption at the Detroit-area Oakland County Probate Court face an invulnerable "fortress," a description once conferred upon the court itself.

Historically, Michigan's probate system as a whole has been similarly encompassed by a protective stockade reaching to the heights of the state's judicial and executive branches.

Probate court activities have continued unchecked for decades due to long-standing professional and political ties that ensure the protection of probate judges, attorneys and public administrators. At the Oakland County Probate Court, such protection has demonstrated a more intimate, rather than legal, reasoning behind the court's own declaration of "Sovereign Immunity" as an arm of the state; a defense the court has used to avoid culpability in discrimination lawsuits brought by its own employees.

Ironically, like guardianship, the roots of Sovereign Immunity are traced back to antiquated British common law. In Michigan, nearly a quarter-century's worth of guardianship scandals and Task Forces which have resulted in little or no change or punitive measures, appear to echo the concept as defined by 18th-century British Judge Sir William Blackstone.

"The king, moreover, is not only incapable of doing wrong, but even of thinking wrong," Blackstone wrote. "He can never mean to do an improper thing. In him is no folly or weakness."

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Considered to have had an enduring impact on the practice of law in the United States, Blackstone's commentaries also addressed the concept of guardianship, noting that a guardian must offer an "account of all that he has transacted on [a ward's] behalf, and must answer for all losses by his willful default or negligence. In case, therefore, any guardian abuses his trust, the court will check and punish him."

In Michigan, when alleged wrong-doing has been found by a probate judge, punishments have been practically non-existent. The state's Judicial Tenure Commission (JTC) conducts investigations in secrecy.

Those who wish to file a complaint must do so with a notarized signature. For individuals under guardianship, this presents a problem as any form of identification is routinely confiscated from them.

There are no unread comments at this time.



Sir William Blackstone.
Image by Great Thoughts Treasury

Because of the strict rules of confidentiality under which investigations are handled, even when family members have been able to issue a complaint on a ward's behalf, the JTC warns that it "cannot advise anyone, even the person who lodged the complaint, of the precise way a grievance was resolved."

The Commission will only inform an individual filing a complaint if it has been dismissed or if it resulted in disciplinary action.

According to the Commission's 2018 annual report (https://web.archive.org/web/20200616123625/http://jtc.courts.mi.gov/annual_report/docs/2018%20annual%20report%20final.pdf), it received complaints against 475 judges. Nine percent of those were due to probate cases. By the close of the year, 401 complaints had been resolved with no disciplinary action. According to the Commission, the complaints "alleged facts that would not constitute misconduct even if true, the allegations were unfounded or unprovable, the judge gave an adequate explanation of the situation, or the Commission lacked jurisdiction."

"Corrupt to Its Very Core"

The Michigan Supreme Court holds tri-annual Administrative Hearings during which members of the public are invited to be heard on judicial rules or administrative orders the justices are considering either for adoption or amendment.



2019 Michigan Supreme Court Justices.
Image from Michigan Supreme Court website

A January 2000 hearing in Flint, Michigan, addressed the contributions of attorneys to judicial campaigns and the possible quid pro quos that could arise from them. As the Michigan Code of Judicial Conduct presently stands, donations from attorneys to judicial campaigns of more than \$100 are permitted but must be unsolicited.

During public commentary, Gilbert Engels, a small business owner and great-grandfather, rose to speak. Twelve years earlier, he was embroiled in the

Wayne County Probate Court when his mother Gertrude was declared legally incapacitated. Then-Wayne County Probate Judge Joseph Pernick ruled that neither Engels nor his sister had any rights to or interest in Gertrude's home, despite her having signed over a Quit Claim Deed to them in 1976.

As he faced the Michigan Supreme Court Justices, Engels admitted to feeling "like David standing in front of the Goliath."

Nevertheless, he told them that “the system is corrupt to its very core.”

In beginning his story, Engels said he had filed a 1995 complaint in federal court charging then-Wayne County Probate Judge Milton Mack, Jr., his colleague Freddie Burton, Jr. and a number of attorneys “with conspiring together to operate a racketeering enterprise.”

He was immediately reminded that his three minutes were up and that the justices could not address specific cases. Engels hurriedly summed up his argument.

“I am telling you that the citizens' confidence in jurisprudence is going to zero if we don't correct it,” he said. “The responsibility [lies] with you to turn around and correct this system. It is polluted from one end to the other, [a] system that's for sale. It's a disaster.”

Engels passed away in 2014.

Four years later, the Michigan Supreme Court entertained a proposed amendment to Judicial Canons which would allow judicial campaigns to actively solicit over \$100 in contributions from attorneys.

The House of Probate

Once a probate judge's term is up, they are rarely opposed for reelection. When a challenger does surface, the incumbent judge's campaign boasts extensive donations from local attorneys.

At the Oakland County Probate Court, relationships between the four judges as well as those with attorneys who work in their courtrooms are not simply limited to judicial campaigns. They have a history that is not always on the surface.

Judge Jennifer Callaghan began her career as an Assistant Attorney General, In 2010 was hired by now-former Oakland County Public Administrator John Yun as an associate attorney and regularly took guardianship and conservatorship cases at the Oakland County Probate Court.

When Callaghan ran for Oakland County Probate Judge in November 2016, Yun's office served as her campaign headquarters, where she received almost \$160,000 in contributions.

Donors included attorneys, Guardian ad Litem who regularly litigate cases at the Oakland County Probate Court. There were also donations from real estate agents who list ward homes for the court's professional guardians.

Included in the list of hosts for an August 2016 Callaghan fundraiser were Kemp Klein attorney and shareholder Alan A. May and his then-colleague Barbara Andruccioli.

Oakland County Probate Chief Judge Kathleen Ryan, retiring probate judge Elizabeth Pezzetti, and Judges Linda S. Hallmark and Daniel A. O'Brien attended as “Honored Guests.”

Ultimately, Callaghan won with 68 percent of the vote.

Callaghan's husband Sean is an FBI agent serving in the Detroit office. Her Judicial Staff Attorney Christine A. Waid used to work for former Oakland County Public Administrator Jon Munger. His firm's email address is still listed on her profile at the State Bar of Michigan (SBM) and her name is included an attorney with the firm that was listed as a defendant

(https://web.archive.org/web/20200616123625/https://www.leagle.com/decision/inmic_o20160623336) in a 2016 lawsuit.



Oakland County Probate Court Judge Jennifer Callaghan
Image from Oakland County Probate court



Former Oakland County Public Administrator Jon B. Munger
Image from Munger and Associates website

Yun and former Oakland County Public Administrator Jon B. Munger worked out of the same address on Gateway Park Drive in Clarkston, Michigan, before Munger relocated his Munger & Associates headquarters half a mile down the street.

While Callaghan recuses herself as judge in Yun cases, Munger regularly appears in front of her.

Callaghan currently presides over an ongoing and contentious deceased estate case (<https://web.archive.org/web/20200616123625/https://www.forbes.com/sites/markegrrari/2018/10/16/aretha-franklin-left-an-80-million-estate-and-no-will-heres-why-that-matters-to-you/>) concerning musician

and civil rights activist Aretha Franklin, who passed away in August 2018 without leaving a will.

There are no unread comments at this time.

As he is presently the guardian to Franklin's eldest son, Clarence, Munger is an interested party in the case.

Judge Linda S. Hallmark was appointed as Oakland County Probate Court Judge in 1997 by then-Governor John Engler (R) after spending three years in private practice at May's then-law firm May & May, PC. She has been unopposed since taking the bench.

May has donated not only to judicial campaigns, but to individuals running for Michigan's House and Senate.

Hallmark's Judicial Staff Attorney is Rochester City Councilman Ryan Deel. Before taking the role in Hallmark's courtroom, Deel was in business with his wife Melinda, a family law attorney who makes regular appearances as a Guardian ad Litem during Oakland County guardianship and conservatorship hearings.

Oakland County Chief Judge Kathleen Ryan and Judge Daniel A. O'Brien were elected as Oakland County Probate Court judges in 2010 and 2008, respectively.

Prior to running in 2010, Ryan was a founding partner of Ryan & Schouman, PLC with offices located on East West Maple Road in Walled Lake, Michigan.

Before he was elected, O'Brien was in private practice under the name O'Brien Legal Services. He was headquartered at the same East West Maple Road address as Ryan's firm.

Among the top donors during O'Brien's 2008 campaign were Ryan and her founding partner attorney, Daniel Schouman. In an October 2010 interview (https://web.archive.org/web/20200616123625/https://www.dailytribune.com/sports/kathleen-ryan/article_89f03790-2ad4-510c-b020-23dce8b5fe28.html) given to the *Royal Oak Tribune*, Ryan boasted that "I am the only candidate who has been endorsed by an Oakland County Probate Judge, specifically Judge Daniel A. O'Brien."

However, she failed to mention that the two had worked in the same building.

Ryan hails from one of Michigan's most accomplished legal and political families. Her father James served on the US 6th Circuit Court of Appeals and is a former Associate Justice on the Michigan Supreme Court. Her elder brothers, Daniel Ryan and James Ryan, Jr., both entered the judicial and political arenas.



Oakland County Probate Court
Judicial Staff Attorney Ryan Deel
Image from Ryan Deel's website



Oakland County Probate Judge Kathleen Ryan
Image from Oakland County Probate Court website

Daniel is a retired Wayne County Circuit Court Judge. James Ryan Jr.'s company Public Affairs Associates (PAA) has longstanding ties to Democrat Governor Gretchen Whitmer and was among the top donors (<https://web.archive.org/web/20200616123625/http://mcfn.org/node/7155/who-funded-gov-whitmers-inauguration>) for her inauguration committee.

Kathleen Ryan's 2010 campaign for Oakland County Probate Court judge received contributions from May, Munger and Oakland County Public Administrator Thomas Brennan Fraser, as well as cash and in-kind contributions from O'Brien.

She also received a donation from Attorney General Dana Nessel, who on March 25, 2019, announced an Elder Abuse Taskforce charged in part with reviewing measures to reform Michigan's probate system.

Although Nessel has since received complaints from families who have alleged crimes committed by guardians and conservators at the Oakland County Probate Court, she has yet to announce any formal investigations into them.



Michigan Attorney General Dana Nessel

The Attorneys

Yun, Munger, Fraser and former Oakland County Public Administrator Jennifer Carney comprise the court's most prolific guardians and conservators and have a combined open guardianship and conservatorship caseload of 1,704. '

They also have close professional ties.

Munger and Fraser were both Kemp Klein attorneys before they started private practices.

Beginning in 2010, Munger employed Carney before she branched out to start her law firm in 2017.

Another former Munger employee, Edward A. Hutton III is now the Oakland County Probate Court's administrator.

In problematic cases, Munger and Fraser have been represented by Bloomfield Hills, Michigan, attorney Joseph Ehrlich, who in 1995 was retained by Guardian Inc. of Wayne County during an investigation into the embezzlement of assets belonging to hundreds of wards.

On February 28, 2014, Fraser and his spouse signed a Quit Claim Deed for \$1 transferring interest in their \$272,000 property on Shadow Drive in Troy, Michigan, to a company called STRSF LLC.

Incorporated the previous July, STRSF's Resident Agent (an individual responsible for the management of an LLC's legal and tax matters, alongside ensuring forms such as Annual Reports are filed in a timely manner) is Ehrlich.

On June 9, 2016, STRSF signed another \$1 Quit Claim Deed of the same property back to Fraser.

The reason for the back-and-forth transfer is unknown.

Fraser, Munger and May's former Kemp Klein colleague Andruccioli was one of the subjects of a 2017 media investigation (<https://web.archive.org/web/20200616123625/https://www.wxyz.com/news/local-news/investigations/7-action-news-investigation-prompts-probate-law-change->



Former Oakland County Public
Administrator Thomas Brennan
Fraser
Image from social media

protects-heirs) alleging she was one of a group of public administrators who had worked alongside a Michigan realtor to open probate cases on deceased estates without notifying next-of-kin. In the resulting fallout, then-Attorney General Bill Schuette fired
(<https://web.archive.org/web/20200616123625/https://www.wxyz.com/news/local-news/investigations/probate-public-officials-terminated-resign-after-7-action-news-investigation>) Andruccioli from her role as public administrator.

In January 2018, Oakland County Probate Court Register Jill Koney Daly, who had held the position for more than a decade, suddenly announced her retirement to take a part-time job as an attorney at the statewide estate probate and elder law firm Chalgian & Tripp.

Five months later, in a unanimous decision
(<https://web.archive.org/web/20200616123625/https://www.wxyz.com/news/local-news/investigations/oakland-county-probate-judges-hire-attorney-under-criminal-investigation>), the four Oakland Probate Court judges announced that they hired Andruccioli as Koney Daley's replacement with a starting salary of \$102,650. According to Oakland County's salary schedule for FY 2018, she'd been placed at the very top of the pay grade; the same as an individual who has served in the role for five years.

Two heavyweight attorneys from Chalgian & Tripp and Kemp Klein—Philip E. Harter and Thomas V. Trainer, respectively—served as co-editors for the revised edition of *The Michigan Guardianship and Conservatorship Handbook*. Published by
(https://web.archive.org/web/20200616123625/https://www.icle.org/modules/store/books/book.aspx?product_code=2000556550) the State Bar of Michigan's Institute of Continuing Legal Education, the 522-page volume includes chapters authored by Andruccioli, O'Brien and State Court Administrator Milton Mack, Jr.

Mack the Shield

An attorney, former Wayne City Councilman and Democrat Party activist, Mack was appointed to the Wayne County Probate bench by then-Governor James Blanchard (D). He held the position until 2015, when he was appointed by the Michigan Supreme Court as State Court Administrator.

Mack also served on the three-person Wayne County Election Commission, as president of The Michigan Probate Judge's Association, and as a Chair of both the State Bar of Michigan's Judicial Conference and the Southeast Michigan Council of Governments (SEMCOG).

His wife, Laura, is a judge at the 29th District Court in Wayne, Michigan.

Mack's 1998 campaign to retain his position as probate court judge was overwhelmingly supported by attorneys. Top donors included May and Chase. Others, such as Barbara Safran, Melinda Cameron and Jeffrey Coval regularly serve as Guardian ad Litem for the Oakland County Probate Court.

From his earliest days as a Wayne County Probate Court Judge, Mack remained both a pervasive and highly influential presence in the anatomy of Michigan probate law. He is also a staunch defender of the judges who dispense it.



State Court Administrator Milton
Mack, Jr.

Image by Institute for Continuing
Legal Education (ICLE)

In 1996, following a scandal involving private guardianship company Guardian Inc. of Wayne County, which was found to have committed acts of malfeasance in cases involving hundreds of wards at the Wayne County Probate Court, Mack was asked to join the panel of the Michigan Supreme Court's Guardianship Task Force as a representative of the Michigan Probate Judge's Association.

Although in its 1998 report, the Task Force made multiple recommendations, only one was enacted.

Director of Public Policy at The ARC Michigan

(<https://web.archive.org/web/20200616123625/https://arcmi.org/>), Dohn Hoyle was a fellow panelist. Both at a local level and as an Executive Director of one of the state's leading advocacy and resource groups for people with Developmental Disabilities, Hoyle has remained involved with The ARC for the past 45 years.

"Mack and the Association were the main force against any changes to guardianship," he says. "And they carry a lot of weight. They were working behind the scenes saying, 'We don't want this,' and the legislators really listened to them."

"As part of the Task Force, we recommended that a judge would have to find, on the record, that a guardianship was necessary," he adds. "Of course, they fought that successfully and we never got that put in the statute. None of it was logical. But, recommendations didn't see the light of day once Mack and the Association came out against them."

There are no unread comments at this time.

Spinning the Audit

Five years after the Task Force had made its recommendations, the Michigan Supreme Court justices received an October 23, 2003, report from the Office of the Auditor General that reviewed conservatorship cases filed in Wayne, Washtenaw, Calhoun, Jackson and Huron Counties.



Former Michigan Supreme Court Justice Elizabeth Weaver
Image by the Traverse City Record Eagle

In former Supreme Court Chief Justice Elizabeth Weaver 2013 book (<https://web.archive.org/web/20200616123625/https://www.amazon.com/Judicial-Deceit-Tyranny-Unnecessary-Michigan/dp/0989410137>) *Judicial Deceit — Tyranny & Unnecessary Secrecy at the Michigan Supreme Court*, she recalls that the report's findings and noted that assertions, contained in conservator's annual accounting submissions, were not accurate or valid.

The report stressed that probate courts had not performed investigations when discrepancies were identified.

Weaver quotes the report, in part, as alleging "Michigan probate courts operate independently and determine what controls, if any, will be put in place to monitor conservatorship cases. Probate court's procedures and controls for administering and monitoring conservatorship cases were generally not effective."

On the morning before the release of the report to Weaver and her colleagues, a memo was circulated from then-Chief Justice Maura Corrigan, concerning its findings, that included "many specific, dramatic and troubling cases as examples of improper accounting and documentation, delinquent reporting and other deficiencies. Some examples suggest that protected individual's estates may have lost money either through negligence or wrong-doing."

"I believe that public confidence in probate courts is at stake," Corrigan concluded.

Weaver goes on to assert that the Auditor General's report was in the hands of both Corrigan and the State Court Administrator's Office (SCOA) long before she ever saw it.

"There was time to prepare to deflect criticism and to spin the story," she writes.

According to Weaver, Mack was another individual kept in the loop “long enough to take in the report, call for an examination of the cited files and speak with his judges.”

Weaver reveals a September 2003 letter she discovered from Mack to the State Court Administrator’s Office.

Mack stated that many of the issues raised in the Auditor General’s report “were matters of judicial discretion and decisions were made at duly noted hearings with everyone having the opportunity to testify in open court.”

“The safeguards the court had in place appeared to be working and any mistakes were not the result of any systematic, structural defect or flaw,” Mack concluded.

The SCAO engaged in a two-year review of the Auditor General’s findings. In a report issued January 2005, the office concluded that Michigan statute “presumes that a court ward has interested persons who are both willing to serve and have the ward’s best interests at heart, but this is not the case for many court wards. Such situations present the highest risk for fraud and other abuses of the system.”

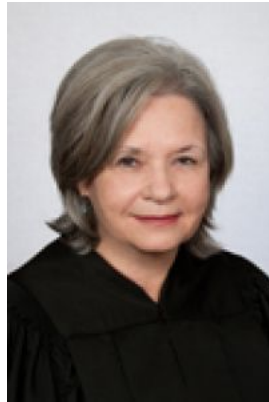
~~There are no unread comments at this time.~~

The ADDMS Scandal

Even as Mack penned his 2003 memo assuring the State Court Administrator of working safeguards in probate courtrooms, another probate scandal brewed, this time in Macomb County.

In November 2002, Sterling Heights Councilwoman Kathryn George was elected to the Macomb County Probate Court bench. Two of George’s campaign contributors were a Shelby Township, Michigan, attorney Alan F. Polack and then-Macomb County Court Administrator Leonard E. Reinowski, Jr.

Less than a month after George began her tenure, Polack co-founded ADDMS Guardianship Services with fellow attorney William K. Cashen. Reinowski was brought on board as an Accounts Manager.



Macomb County Probate Court Judge Kathryn George.
Image by the Macomb Daily

In a blog post (<https://web.archive.org/web/20200616123625/http://www.mymicourt.com/?p=27>), former Macomb County Probate Court Chief Judge Pamela Gilbert O’Sullivan recalled “numerous occasions [that] I had conversations with the State Court Administrator’s Office in an effort to seek its assistance regarding Judge George’s failure or refusal to comply with the Court’s practices, policies, and procedures.”

By 2004, both O’Sullivan and then-Macomb County Probate Court Register Donald J. Housey were sending reports to the SCAO regarding George’s continual appointment of ADDMS to guardianship and conservatorship cases.

This, despite numerous complaints the court received from families alleging financial mismanagement.

In 2005 and 2008, the State Court Administrator’s Office appointed an Auburn Hills, Michigan, forensic investigation team The Whall Group to complete an audit of both the probate court and ADDMS files. The Whall Group’s reports were never made public.

However a subsequent wrongful termination (<https://web.archive.org/web/20200616123625/https://casetext.com/case/housey-v-macomb-cnty>) lawsuit filed by Housey’s attorney along with a 2008 memo (<https://web.archive.org/web/20200616123625/https://www.macombdaily.com/sports/>



Former Michigan Supreme Court Chief Justice Maura Corrigan.
Image by Institute for Continuing Legal Education (ICLE)

probate-court-lambasted/article_bb6c6d9b-20f6-58e6-917a-7614b6e367c8.html) authored by then-State Court Administrator Carl Gromek offer some details of the Whall Group's findings.

Most notably, ADDMS allegedly overbilled estates and mismanaged the affairs of their clients. The company also sold wards' vehicles without the bill of sale and a copy of the Secretary of State title. Ward's homes were sold at significantly less than market value.

"A substantial number of cases handled by ADDMS lacked adequate accounting for assets and income," the report noted.

The Whall Group went on to speculate that Macomb County Probate clerks reserved, for George's courtroom, any petitions that included a recommendation of ADDMS as a guardian and conservator.

In 2006, O'Sullivan's complaints resulted in a contentious meeting between herself, Housey, George and Gromek.

"Mr. Gromek yelled at me that 'This is bullshit and you should be ashamed of yourself. If I hear any more of this, I'm going to remove you as Chief Judge. Am I clear?'" O'Sullivan wrote. "It was very clear to me that the State Court Administrator did not want to hear of any more problems or my court's concerns."

In January 2008, the Michigan Supreme Court replaced O'Sullivan with George as Macomb County Probate Chief Judge. In a dissenting opinion, (<https://web.archive.org/web/20200616123625/https://casetext.com/case/appointment-of-chief-judges-of-michigan-courts>) Weaver noted that "a cloud of doubt over her appointment remains."

Shortly after George placed Housey on administrative leave, The Whall Group sent a second report to the Michigan Supreme Court.

This time, the justices decided to take action. George was removed as Chief Judge and assigned to Macomb County Probate Court's mental health division. ADDMS Guardianship Services was stripped of its cases and went out of business.

"The damage that has occurred to the vulnerable Macomb County citizens needing guardian and conservator services to protect them and their property must cease and those responsible must be held accountable," Weaver later wrote.

The fiduciary taskforce assigned to handle former ADDMS cases, was led by John Chase, Jr., the Wayne County Probate lawyer who, in 1995, investigated the activities of Guardian Inc. and was accused in a 2011 lawsuit (<https://web.archive.org/web/20200616123625/https://legalnewslines.com/stories/510525235-report-attorneys-fees-drained-rosa-parks-estate>) of conspiring to drain the Rosa Parks estate.

Although the Judicial Tenure Commission launched a 2008 investigation into George, it closed the case with no disciplinary action was taken.

No criminal charges were brought against ADDMS owners Polack, Cashen or Reinowski.

In 2011, the *Detroit News* reported that Gerald Terlep, a man regularly assigned by the Macomb County Probate Court to testify as to whether individuals were legally incapacitated, had falsely claimed to be a medical doctor. The report added that George had previously endorsed Terlep "as qualified by the court for each case for over six years."

When a Black Woman Speaks her Mind.

Despite her allegedly-problematic tenure in Macomb County, in 2014 George was assigned as a visiting judge to the Wayne County Probate Court where she oversaw the case of Mailauni Williams and her mother Lennette.



Former Macomb County Probate Court Chief Judge Pamela Gilbert O'Sullivan.
Image by Institute for Continuing Legal Education (ICLE)

The court's Chief Judge, at the time, was Mack.

After problems with Lennette's pregnancy and delivery at a Detroit hospital left Mailauni developmentally disabled, Lennette sued the hospital and won a multi-million-dollar settlement for herself and her daughter, the disposition of which, ultimately, led mother and daughter to George's courtroom.



Far Right: Mailauni Williams.
Image courtesy of Voice of Detroit

In June 2014, Voice of Detroit reported (<https://web.archive.org/web/20200616123625/http://voiceofdetroit.net/2014/07/21/amber-alert-rosa-parks-godchild-mailauni-williams-missing-judge-kathryn-george-loots-estate-bars-mortgage-payments-on-her-home/>) that George issued an order authorizing the Grosse Pointe Farms, Michigan police to forcibly remove Mauliani from Lenette's home; one which they allegedly executed at gun-point.

George also stripped Lennette of her parental rights and assigned attorney Mary S. Rowan to act as Mauliani's guardian. Rowan, who has a notorious reputation (<https://web.archive.org/web/20200616123625/http://voiceofdetroit.net/2017/08/29/vulture-guardian-mary-rowan-kidnaps-again-this-time-a-young-blind-woman-kristina-brockington/>) for punishing families who attempt to intercede (<https://web.archive.org/web/20200616123625/http://voiceofdetroit.net/2014/12/27/mary-rowan-denies-family-visits-to-dying-grandmother-now-co-guardian-in-robinson-case/>) in her guardianship cases, kept mother and daughter separated for six months.

When Lennette fought back, George charged her (<https://web.archive.org/web/20200616123625/http://voiceofdetroit.net/2014/06/16/shady-probate-judge-kathryn-george-jails-mom-seizes-daughter-and-estate/>) with Contempt of Court and jailed her for ten days while sanctioning Lennette's attorney Allison Folmar for speaking on behalf of her own client.

Celebrated activist Cornell Squires said at the time "The judge's demeanor showed that she was a racist. Her behavior was offensive to Lennette, her attorney, and all the Black people in the courtroom. I've seen some wicked judges, but she is the worst."

In November, 2014 mother and daughter were (<https://web.archive.org/web/20200616123625/http://voiceofdetroit.net/2014/11/25/home-for-the-holidays-mailauni-williams-back-with-mom-after-6-month-kidnapping/>) reunited (<https://web.archive.org/web/20200616123625/http://voiceofdetroit.net/2014/11/25/home-for-the-holidays-mailauni-williams-back-with-mom-after-6-month-kidnapping/>) but left emotionally and financially devastated. According to Voice of Detroit, it all happened because Mack was "Apparently outraged that a Black woman would have the gall and intelligence to speak her mind in court.

"When is the corruption of probate courts in Wayne County and everywhere going to end? Jail the judges!" Lennette told the Voice of Detroit. "They kidnapped my daughter to make me sign over the malpractice money in her case. No one should be allowed to get away with the thieving and plundering of estates they are guilty of."

Repeated History

On May 30, 2019, George was the focal point of another scandal (<https://web.archive.org/web/20200616123625/https://www.wxyz.com/news/local-news/investigations/i-just-want-my-parents-back-woman-says-company-imprisoned-her-parents-in-their-own-home>) involving another guardianship company.

WXYZ investigative journalist Heather Catallo broke the story (<https://web.archive.org/web/20200616123625/https://www.wxyz.com/news/local-news/investigations/i-just-want-my-parents-back-woman-says-company-imprisoned-her-parents-in-their-own-home>) of a Utica, Michigan couple Barbara Elbridge and Bob Mitchell who were allegedly imprisoned in their own home by a Sterling Heights, Michigan guardianship company Caring Hearts of Michigan, Inc.,

Caring Hearts was founded by a Clinton Township woman Catherine Kirk. Her husband Robert was a Macomb County Public Administrator and donor to George's 2014 campaign.

As the story erupted on social media, once again, it was discovered that George regularly assigned Caring Hearts to guardianship and conservatorship cases.

It was in the midst of a firestorm of public outrage that Nessel and the Michigan Supreme Court announced

(<https://web.archive.org/web/20200616123625/https://www.wxyz.com/news/local-news/investigations/michigan-ag-opens-investigation-into-macomb-co-probate-case-following-7-action-news-report>) their intention to investigate both the case and George.

However, after Catallo aired a second report

(<https://web.archive.org/web/20200616123625/https://www.wxyz.com/news/local-family-says-guardianship-cost-elderly-woman-123k-for-3-months-of-care>) involving Caring Hearts, Nessel's office refused to confirm or deny an investigation into the company.

Expanding a Guardian's Powers

Six days before The Whall Group released its May 2008 report on ADDMS to the Michigan Supreme Court, The Michigan Probate Judge's Association endorsed an article (<https://web.archive.org/web/20200616123625/https://heinonline.org/HOL/LandingPage?handle=hein.journals/qplj21&div=29&id=&page=>) Mack published in the *Quinnipiac Probate Law Journal* in which he argued against State Mental Health Code restrictions on involuntary treatment for people with mental illnesses.

Among those prohibitions was the use of electroshock therapy on individuals, over the age of 15, who had not consented to it and did not have a guardian. However, a 2001 report

(<https://web.archive.org/web/20200616123625/https://www.healthyplace.com/depression/articles/involuntary-and-illegal-electroshock-in-michigan>) to The Department of Community Health Recipient Rights Advisory Committee noted that probate judges were ignoring the law and signing orders authorizing involuntary electroshock treatment anyway.

As an example, the report cited an order in which then-Calhoun County Probate Judge Phillip Harter authorized the use of up to 12 treatments on a patient in Marshall, Michigan's Oaklawn Hospital. In an email explaining his decision, Harter wrote, "I believe the better procedure is to have [a] guardian appointed for the purpose of consenting to electroshock treatment."

In 2004, Mack sat on a commission appointed by then-Governor Jennifer Granholm (D) to address what she called a public mental health system that was "broken."

The commission's subsequent list

(https://web.archive.org/web/20200616123625/https://www.michigan.gov/documents/FINAL_MHC_REPORT_PART_1_107061_7.pdf) of proposed actions increased a guardian's range of powers over their wards by, for example, the ability to "petition the court for authority to consent to mental health treatment."

As the year drew to a close, Granholm signed off

(https://web.archive.org/web/20200616123625/https://www.michigan.gov/formergovernors/0,4584,7-212-57648_21974-107105--,00.html) on a series of amendments to the Mental Health Code, collectively known as Kevin's Law (named after a University of Michigan Graduate Student who was killed in August 2000 by a paranoid schizophrenic).



Individual undergoing Electroshock Therapy.
Image by Getty Images

Kevin's Law expanded the definitions of "persons requiring treatment" and allowed for family members and guardians to be able to file a probate court petition ordering outpatient mental care. However, it did not apply to individuals with drug or alcohol issues, those with Alzheimer's or other disorders affecting the brain.

Mack felt the legislation did not go far enough.

"I can appoint a guardian for someone who has an illness because they're incapacitated," he told

(<https://web.archive.org/web/20200616123625/https://www.michiganradio.org/post/how-michigan-courts-can-improve-when-it-comes-dealing-people-who-have-mental-health-issues>) the Michigan Public Radio program *Stateside*. "But the guardian can't consent to mental health treatment, even if that would restore their capacity to make important decisions and terminate the guardianship."

At an April 14, 2010, joint session of Michigan's House of Representatives and Senate, then-Michigan Supreme Court Chief Justice Marilyn Kelly addressed (<https://web.archive.org/web/20200616123625/https://courts.michigan.gov/Courts/MichiganSupremeCourt/about-supreme-court/Budget/2010%20State%20of%20the%20Judiciary.pdf>) legislators concerning Mack's ideas to expand a probate court's ability to order involuntary mental health treatment. **There are no unread comments at this time.**

"Under Judge Mack's plan, courts would consider a person's condition and also have the authority to appoint a guardian who can consent to involuntary mental health treatment on the person's behalf," she said. "The object is to keep the person from getting into the criminal justice system in the first place."

The idea won Mack universal acclaim from the media, peers and the Michigan Supreme Court as an advocate for the mentally ill.

The Power to Push Legislation

By 2015, the Michigan Supreme Court appointed (<https://web.archive.org/web/20200616123625/https://www.hometownlife.com/story/news/local/wayne-county/wayne/2015/07/05/wayne-county-probate-judge-court-administrator/29740273/>) Mack to the position of State Court Administrator, one that he told *Stateside* allowed him the ability to work more closely with the Michigan legislature in order to ensure support for his initiatives.

Farmington Hills, Michigan attorney Steven G. Cohen, who was penalized by the Michigan Attorney Grievance Commission after he accused Wayne County Judge Freddie Burton, Jr. and attorneys John Chase, Jr. and Melvin Jefferson, Jr. of draining the Rosa Parks estate, found Mack's appointment "one of the oddest and scariest things I'd ever seen."

"As Chief Judge of the Wayne County Probate Court, he presided over and protected a very abusive court," Cohen says. "It meant that the Michigan Supreme Court was either unaware [of] or backed what was a terrible performance in Wayne County. It concerned me to see Milton Mack being given a safe landing."

Mack's enhanced level of influence helped to ensure the December 2018 passage of House Bills 5810, 5818 and 5819, which amended Michigan's existing mental health codes and expanded the definition of those to be considered incapacitated to include individuals who had been exempt under Kevin's Law.

HB 5810 was particularly significant.

Existing language stated that the emergency appointment of a guardian for an individual experiencing a serious mental illness or developmental disability could only be executed if the individual presented a substantial risk of physical or mental harm to themselves or others.

Mack's new bill simplified the restriction to "presents a risk of harm."

The requirement that *both* one physician and a licensed psychologist or psychiatrist had to provide testimony or a written deposition to accompany a probate court petition was reduced to either/or.

HB 5818 provided the authority for either a full or limited guardian to execute a written consent for mental health treatment.

Mack called the legislation, “a monumental step forward [that] makes Michigan a national leader in making it easier to ask for outpatient mental health treatment—before a crisis and before contact with the justice system.”

Hoyle doesn't see it that way.

“I think [Mack] will act like he's always acted,” Hoyle says. “He will continue to be pro-guardianship. To continue to promote a system which has produced the kind of outcomes the system has produced doesn't make him a friend of someone who is aging or with a disability.”

Civil Death for the Developmentally Disabled

According to a March 2018 report (https://web.archive.org/web/20200616123625/https://ncd.gov/sites/default/files/NCD_Guardianship_Report_Accessible.pdf) released by the National Council on Disabilities, an estimated 1.3 million Americans with disabilities have been directly impacted by guardianship. Hoyle asserts that 73 percent of Michigan's developmentally disabled population are under some form of guardianship.

“We have kind of a blindfolded lady justice deciding upon whether they need one or not. It's automatically assumed. The system continues to portray the necessity of guardianship.”

In its report, the Council took the system to task.

“It has often been noted that an individual subject to guardianship moves through the world indistinguishable from the rest of the population,” the report noted, “except that he or she has undergone a kind of civil death and is no longer permitted to participate in society without mediation through the actions of another if at all.”

The report's key findings stated that “people with disabilities are widely (and erroneously) seen as less capable of making autonomous decisions than other adults regardless of the actual impact of their disability on their cognitive or decision-making abilities. This can lead to guardianship petitions being filed when it is not appropriate and to guardianship being imposed when it is not warranted by the facts and circumstances.”

“Prisoners have more rights than people under guardianship,” Hoyle says. “I don't think people recognize that, they ignore it or don't pay attention to it. So, probate judges are able to continue what they've always done, which is not to the benefit of the people who are given guardians.”

Nearsighted Ageism

Guardianship reform, disability and senior advocacy groups believe the reason so many Americans, media outlets and major civil rights organizations ignore guardianship's monumental flaws and catalytic, paralleled atrocities is rooted in United States culture.

Four decades ago, Ann Arbor attorney Bradley Geller was working on a project for the United States Commission on Civil Rights examining age discrimination in programs receiving federal financial assistance.

“It was extensive, and it was blatant,” he recalls. “It wasn't like race or sex discrimination. Providers did not hide the fact that they discriminated on the basis of age. It was always justified in a cost-benefit analysis. A public health official in Texas said that \$1,000 of dental care for an older adult may mean nothing but \$100 for a 5-year-old is invaluable.”



Dohn Hoyle.
Image courtesy of The ARC Michigan

National Association to Stop Guardian Abuse

(<https://web.archive.org/web/20200616123625/https://stopguardianabuse.org/>) (NASG A) Director Marcia Southwick believes such preferential treatment of the young in comparison to seniors is ingrained in American culture.

"There is a huge problem," she says. "The elderly and people with disabilities are warehoused. You see ads for nursing homes or burial insurance. America is driven by a consumer culture. Advertisers want to sell to the young, so they are a part of pushing the narrative that the elderly don't count."

"The problem is Michigan's judges have stereotypical notions that older adults are running inexorably downhill with respect to their mental and physical capacities," Geller asserts. "There is an ideology that we must protect older individuals and those with developmental disabilities against risk and make them as safe as possible. We try to maximize that safety by not honoring their independence."

Julie Weckel is a social worker and owner of the Michigan-based senior advocacy organization Geriatric Connections.

"Ageism is easy to see in a country that is based on pulling yourself up by the bootstraps and being independent," she says. "When people can no longer function at their highest physical capacity, the country sees them as lacking. So we disregard them or, whether it's through good intentions or not, we try to take over for them with absolutely no proof that we would do better."

"We don't have a system in place to educate people on what they can do to be supportive of our seniors," she adds. "I'm hoping to get to an old age. I'm going to do my best to survive and to thrive, which means I have to accept that this is a reality that I have some power over. So, I have to embrace aging, and I sure don't want anyone coming to take my rights away."

Executive Director of the National Association of Social Workers

(<https://web.archive.org/web/20200616123625/https://www.socialworkers.org/>) (NASW) Michigan Maxine Thome feels similarly affected.

"I'm subjected to so much ageism that I fear every birthday," she notes. "I get tired of people saying to me, 'Are you still working?' And I reply, 'I don't feel that old.'"

"We need to work to rebuild the image of the elderly as one of this country's pillars of wisdom," she adds.

National advocate

(<https://web.archive.org/web/20200616123625/https://catherinefalkorganization.org/>) Catherine Falk, the daughter of the late actor Peter Falk, believes that American ageism is nearsighted.

"There's something very sad about preying on the elderly and the disabled, who truly have no voice in the matter," she says. "I'm headed in that direction. We're all headed in that direction or have someone we know who is already there. It hits me hard."

"America is very 'me-centered,' and there's a stigma, not just with the elderly but with the disabled," Falk adds. "Any adult with a disability is treated awfully in this country. This isn't a joke. There are better living conditions in prisons than there are in nursing homes."

"I've traveled all over the world, and I'm always blown away by other countries, like France, Mexico and Italy, where the elderly person is at the top of the food chain of hierarchy and respect," she asserts. "The family system in America is ass-backwards. You hit the age of 55 or 60 here and you are just trash to be discarded."

"If we are successful and we are lucky, we are able to age another year every year," Weckel notes. "As Americans, we have to work on the idea that our future is going to entail us being not as strong, clear or as healthy as we are now. If we can recognize that, there's hope for looking around us and knowing how we would want to be treated."

A Small World

As 76-year-old Nancy Lee Haddock looks around her small room at the Suncrest Adult Group Home in Highland, Michigan, she sees no reason for hope. She was placed at the facility in late 2018 by her then-guardian Yun. The four walls of her bedroom now represent the borders to her entire world.

It is one in which she spends her waking hours watching television or completing stacks of word-searches. There is little else for her to do and nowhere for her to go. Haddock clams to be fed only starchy food, “noodles and potatoes and stuff.” The overabundance of carbohydrates are detrimental to her because she has diabetes.

“You lose track of time in here,” she says. “There are people here and it’s not their fault. There’s no reason for me to be here. I can read, take my own pills and make dinners for myself.”

Haddock used to work on the lunch line for the Walled Lake, Michigan, school system. Her husband was an electrician before he passed away, leaving Haddock to raise her two children alone. In order



Catherine Falk
Image courtesy of Catherine Falk Foundation



Nancy Haddock at her group home.
Image by Gretchen Rachel Hammond

to do so, she took on extra jobs delivering newspapers and working at a local McDonald's.

Heavily involved in her local church community, Haddock often allowed people in need to stay in the home where she'd lived since the late 1960s. The same home played host to Haddock's extended family during holidays and, in the summer, neighbors were always welcome to swim in the back-garden pool. Eventually, more than a half-century of collected memories filled the house.

The only possessions Haddock has left today are small collection of family photographs and a painting of a dog placed over the single-bed in which she hardly ever sleeps.

“I’m told that [Yun] gutted my home,” she says. “I don’t know where my belongings are. I assume that he pitched them.”

Haddock added that she was not told when her home was sold by the former public administrator.

“I tried to call Mr. Yun, but they got me off the phone,” she recalls. “I never got to talk to him, so I knew I was getting kicked around.”

The Unexpected Administrator

Haddock's daughter, Catherine, struggles daily with overwhelming guilt since it was her who originally filed the petition for guardianship of Nancy at the Oakland County Probate Court.

A Registered Nurse specializing in psychiatric medicine for 11 years, she never expected that presiding Oakland County Judge Linda Hallmark would appoint a public administrator instead.

In 2015, on the advice of one of her church group friends, Haddock signed a Durable Power of Attorney naming Catherine as the holder and executor of her will. Two years later, the family threw Haddock a surprise birthday party. Photographs show a jubilant woman surrounded by her children and grandchildren.

But underneath Haddock's glee during family get togethers, there was a problem that Catherine immediately recognized.

"Mom always was the kind of person who would pick up stuff at the Salvation Army on a whim," she recalls. "As she grew older, and after my brother and I moved out, she became very lonely. She would tell me that it made her sad when she saw elderly couples walking together holding hands. She wanted to be with somebody. So I think she started to collect things to make up for that. The problem is, she never threw anything out."

Feeling as if it was getting out of hand, Catherine offered help.

"The house needed work it needed cleaning out," she says. "I felt like she was overwhelmed but Mom was very prideful and she really didn't want me to interfere. We would go out every week to a restaurant or to church, but we just wouldn't talk about it."

Deception from Good Intentions

After Haddock experienced a fall in her home in 2016, Catherine called an ambulance.

"When she was in the emergency room, I could hear the nurses and paramedics talking about the state of her home," Catherine remembers. "They told me I should do something or someone else would."

On the advice of a social worker at the Pontiac hospital where Catherine worked, she filed a January 14, 2016, petition to become guardian and conservator of her mother.

"The whole time, I was worried about whether this was the right thing to do," Catherine says. "My brother was upset with me for starting the process, but the court assured me they would do nothing without the whole family agreeing to it."

Looking back, Catherine feels she was duped from the start.

A January 20, 2016, Guardian ad Litem report was dated the same day as the petition's hearing.

It stated that Haddock had "a myriad of issues: hoarding, depression, slight dementia, anxiety, hypertension, alcoholism, poor decision making (i.e., allowing strangers to live with her) [and] repetitive falls."

Recommending a contested hearing and Independent Medical Examination, the report never mentioned Haddock's Durable Power of Attorney. However, it did note Haddock's inheritance from her mother in excess of \$100,000.

Catherine asserts that she was never given the report until after the hearing and that it was a lie. She refutes any idea that her mother was an alcoholic.

Indeed, during an interview with this investigation, more than two years after the report was filed, Haddock had no problems recalling her life, Michigan history and the name of the current president. With the aid of a walker, she was able to move around her small bedroom and adjoining bathroom.

Ironically, it was Haddock's own objection to having a guardian at all that brought Yun into the picture.

"It was a really quick hearing," Catherine says. "I was told that Yun was only going to be temporarily assigned, and I believed it."

After the hearing, Catherine called Yun's office and reality began to sink in.

"I was told that the judge would never allow me to be guardian because my mother had objected and because I had a bankruptcy," she says. "I was shocked. It was like they completely dismissed the idea, and they weren't going to consider anything else."

According to Yun's accounting, within five days of being appointed guardian, he changed the locks on Haddock's home, which he valued at \$180,400.

A February 8, 2016 line item states that Yun was sorting through "the ward's paperwork and jewelry. Bag, file and inventory."

However, no jewelry is mentioned either in his report of Nancy's income or an inventory of her assets, which Yun totaled at \$456,239.55.

The NASGA's Southwick believes that a guardian's independence in determining and dispensing with a ward's personal possessions is a nationwide issue and a possible catalyst to embezzlement.

"There are no independent witnesses or family standing by to ensure that everything of value is documented properly when inventory is done," she says. "Instead, it's left up to the guardian. What's to prevent hundreds of thousands of items from going missing?"

Post-Guardianship Decline

There are no unread comments at this time.

In February 2016, Yun moved Haddock to Assisted Living at Independence Village in White Lake, Michigan.

"We didn't want her to go there," Catherine says. "It was really far away from all of us. But Yun's office told us it was only temporary."

Yet, Haddock remained there for more than two years.

"Her bathroom was filthy," Catherine recalls. "There was no dresser, so all her clothes were in bags on the floors. My mom had a CPAP machine at home, which she needed for respiratory distress, but it wasn't in her room at Independence Village."

When Catherine went to Haddock's home to fetch it, she noticed that all the locks had been changed. Yun's office refused to allow Catherine back in.

"Everyone at his office or at the nursing home seemed to be fighting with us whenever we would call with concerns about Mom," Catherine says. "She wasn't being showered and her bed sheets were never changed. She had terrible vaginal bleeding and they put a pad under her but never changed it. She smelled and looked terrible. But they always acted like problems were either her fault or our fault."

"After a while, Yun's office told me that all my calls were costing my mom money," she adds. "They said they had 800 other cases to deal with, and then they stopped taking my calls."

Haddock's niece Judy Podvin also tried to contact Yun.

"Every time I called, they just hung up on me," Podvin says. "In court, they accused everybody else of not being involved, even though they would never take our calls."

Meanwhile, Haddock's health began to decline. On April 18, 2017 she was transported to the Intensive Care Unit (ICU) at Huron Valley Hospital suffering from sepsis, pneumonia, dangerously unstable blood sugar levels and respiratory failure.

Pictures the family took of Nancy, in the ICU, show both of her lower legs blackened with fungus from untreated pressure sores. Katherine says no one from Yun's office called her to let her know. She found out through hospital staff, who had Haddock's Durable Power of Attorney on file.

"Mom was completely out of it," she recalls. "The hospital staff were asking me who was taking care of her. They were clearly concerned because she was in such bad condition."

Filed less than two months earlier, Yun's Annual Report on Haddock's condition noted "pelvic bleeding" and "breathing difficulties" but said nothing about her other conditions. Under the section asking whether his ward had any unmet needs, Yun simply typed "N/A [Not Applicable]."

Curiously, the report notes visits to Haddock from Yun's office on February 1, August 25, December 8 and December 27, 2016. The report does not match Yun's account line items that only show the August 25 and December 27 visits, the former of which Yun billed her for twice on the same day.



Nancy Haddock in the ICU.
Image courtesy of Catherine Haddock



Nancy Haddock's leg after admittance to the ICU
Image courtesy of Catherine Haddock

Rejected by Attorneys

Seeing her mother clinging to life on a respirator was the last straw. Catherine began to search for an attorney using the State Bar of Michigan's website.

"I talked to one lawyer and he told me that, generally, other lawyers don't like to go after these people," Catherine recalls. "He said that he could take my money and go to court, but that he'd seen a lot of these guardianship cases and the family never gets someone back."

When Catherine described the neglect her mother was suffering, she said the attorney told her, "The only thing you can do is file against the facility. John Yun won't get into trouble for neglect or for not taking care of the patient."

Catherine took matters into her own hands and drafted a June 26, 2017, letter to Hallmark in which she detailed her mother's condition. Before filing it with the court, she faxed the letter to Yun's office. This time, it was Yun's office who called Catherine to set up a meeting for July 10. Podvin also attended alongside Yun's staff attorney, Jane Eaton.

"This was the first time we met with John Yun," Catherine says. "But he was there with his attorney [Jane Eaton] and a staffer."

"I was saying that I had a list of concerns that I was going to send to the judge," Catherine says. "But I wanted to give him a chance to respond. I kept emphasizing that I wasn't doing this to get my mom's money but because I wanted her in a healthy environment being taken care of."

"We told him that we loved Nancy and just wanted to be there for her," Podvin recalls. "He just laughed at us and said, 'Oh, now you've come out of the woodwork?'"

"I was shocked," Catherine adds. "I told him that we'd been calling all the time and he just said, 'We have no record of that.'"

Yet, Yun's own accounts bill Haddock for at least a dozen occasions during which members of her family had contacted his office. A June 7, 2017, account line item charged Haddock \$490 stating that Eaton "met with ward's daughter and niece, had a lengthy discussion regarding care and setting up meeting to discuss modification with them."

Catherine and Podvin deny any meeting ever occurred before the July 10 conference in Yun's office.

"We told him he could keep her money," Podvin says. "We just wanted Nancy to have basic medical necessities and for her to be able to meet with her church friends."

Both Catherine and Podvin state that Yun agreed to allow them to work with Independence Village and promised to contact the facility authorizing both women to receive Haddock's medical information and exercise medical decisions. A Yun account line item from July 11 noted that the office had "prepared consent for Catherine Haddock to obtain information re: Nancy's care."

There are no unread comments at this time.

When Catherine and Podvin arrived at Independence Village, it was to an unexpected reception from a facility director.

"She was hostile to us," Podvin says. "She told us Yun's office had called them and told them we were coming but the facility didn't have to talk to us. So we never got any information."

"They said they never received any paperwork from John Yun," Catherine asserts. "They wouldn't let us talk to the doctor."

The Quick Sale

Meanwhile, Yun had started work on the sale of Haddock's home.

By February, 2017 he had already met with his realtor, Tom Hutt. The following August, he prepared an ex-parte petition and order (one filed without the knowledge of opposing parties) for the sale.

Listed on October 12, 2017 the selling agent was a realtor with Community Choice Realty Associates, Andrey Yakunin.

Investor Mikhail Haikin (listed on the petition as "Mike") bought the home for \$137,505.

Hallmark granted Yun's petition even though it did not include a real estate contract or any other supporting documentation regarding an appraisal. He simply attached a July 2017 receipt showing that the taxes had been paid.

The reason as to why Hallmark approved a petition lacking any corroborating information for the sale price is unknown. The reason for the ex-parte petition is unknown. Both Haddock and Catherine say they were not informed of the sale.

On May 31, 2018, Yakunin listed the home for a little under a quarter million dollars. It sold the following July.

In the three annual accounts Yun has filed since obtaining 2016 guardianship and conservatorship of Haddock, the former public administrator charged her estate a combined total of \$379,402.63, including \$34,890.95 in attorney and fiduciary fees.

In September 2018, Yun moved Haddock to Suncrest Village in Highland Michigan.

Founded in 2012 by Michigan real estate and corporate attorney Peter M. Deahl and administered by Registered Nurse Amie Pagano, the home has been subject to two investigations, by the Michigan Department of Licensing and Regulatory Affairs (LARA), that determined violations including inadequate training of staff, failure to file prompt incident reports involving altercations between a member of staff and a resident, as well as a failure to file reports on the deaths of residents while in hospice.



Catherine Haddock.
Image courtesy of Catherine Haddock

"I'm so angry at myself," Catherine says. "I thought that John Yun was looking out for my mother. I thought that they were doing their jobs. It never dawned on me that they would swoop in and take over because my mom had money and that they would keep her indefinitely. They knew they could do that because we were a vulnerable family and no one was going to stick up for us."

Haddock feels like she's been robbed.

"I feel like John Yun should be arrested for stealing money from a senior citizen. He hasn't done a thing for me," she says. "But I feel like I'm in jail here. There's no reason for me to be here. There's no way for me to go to church. I don't have any money to go anywhere."

On March 27, 2019, Haddock filed a petition to remove Yun as guardian and conservator. It was supported by letters from Catherine, Podvin and numerous members of her extended family. The petition noted breaches of Haddock's statutory rights both in the establishment of the guardianship and throughout its course.

At a hearing the following June, Yun resigned. Haddock also filed an objection to his 2019 account that includes charges for Personal Funds and Clothing she claims she never received and utility bills on the home Yun sold two years earlier.

Both Catherine and Podvin say they were "shocked" when Hallmark granted the public administrator's request for 45 days to come up with receipts for each of his charges.

Meanwhile, the transfer of Haddock to a home where she can stay with family as well as the restoration of her name on her bank accounts has been the least of their problems. According to Catherine, all of her mother's identification, including her birth certificate, has disappeared.

"She has \$6,000 left," Catherine says. "And not even a library card that she can start a new life with. I don't think John Yun will ever take responsibility for what he took from her. I don't think he cares."

Same Old, Same Old

No formal criminal investigations have been announced by Nessel into the activities of public administrators in Michigan's probate courts. Families attending Elder Abuse Task Force Listening Sessions to air their complaints were told to leave materials with the Attorney General's staff or call her office directly.

Some Oakland County families claim that, even though they have obeyed these instructions to the letter, nothing has changed.

They provided this investigation with emails to State Public Administrator Michael Moody sent from well before Nessel's election to as late as last month. Moody and his wife Laura, who is currently the Attorney General's Chief of Staff, both predate Nessel as AG employees, in Michael's case as far back as 1995.

After Jayne Collins, whose mother Nancy is under Fraser's conservatorship, did as instructed and called Nessel's office to detail Nancy's case, she received a June 13, 2019 email from Moody that she and other families claim is all too familiar.

"I am working with [Assistant Attorney General] Scott Teter in our office to review your concerns about elder abuse," Moody wrote. "I am inquiring into this matter and will be contacting Thomas Fraser. In the meantime, I wanted to make sure that you have reached out to an attorney to help with some of your immediate concerns regarding your mother's care."

Noting that the Michigan State Bar had a lawyer referral service, Moody added, "I will follow up once I have been able to conduct further inquiry into your case."

Collins says it took another eight weeks and a sternly-worded email to Moody before she heard from him again.

'In describing their August 9 phone call, Collins asserts, "It was just more deflection. Same old, same old. Eventually, you begin to wonder, 'what's the point?' Not only my mom and I, but thousands of people are being ripped off and abused. The damage that is being done is horrific, but it's obviously not going to change."

Nessel claims otherwise.

August 12 in Marquette, Michigan was the final stop of her Listening Tour. There, she assured the audience that her Task Force is partnered with a bipartisan coalition of state legislators to ensure that its guardianship reform initiatives are enacted.

"We wanted this Taskforce to be action-oriented," she said. "We are taking into account everything you're saying. We are incorporating concerns into our initiatives. They will be proposed in September as soon as the legislature reconvenes."

However, Nessel didn't mention the push-back that proposed reforms and changes to existing legislation has historically received from individuals such as Mack, the Probate Judge and Michigan Guardianship Associations and the Probate and Estate Planning Section of the State Bar of Michigan (SBM).

In December 2017, the Michigan Senate introduced SB 0713, which would have

added new provisions to existing legislation with regards to the visitation of older adults. They included allowing a ward to visit and communicate with the person of his/her choice, for individuals to petition the court both for orders of visitation and the requirement that a guardian provide written notification within two weeks of a ward's move or admission to a hospital.

Minutes from a September 8, 2018 annual meeting (<https://web.archive.org/web/20200616123625/https://higherlogicdownload.s3.amazonaws.com/MICHBAR/36b40f18-75e7-4b75-a650-4e26fe2c65ac/UploadedImages/pdfs/allmeetingspackage.pdf>) of the Probate and Estate Planning Section noted that its members would "oppose the bill" and that the Section had provided "alternate language to the sponsor."

To date, SB 0713 has never been put to a vote.

The question is raised as to why Nessel's Task Force would not meet the same level of opposition for its proposed legislation. Furthermore, if Michigan judges are not following the law as already written, how would additional legislation make any difference?

Attorney Bradley Geller, whose federal lawsuit pushing for guardianship reforms was successfully dismissed by the defendants, including Nessel, believes the involvement of the Michigan Supreme Court in proposed reforms will make all the difference.

"If the Supreme Court were to come in and support reforms, the legislators would be swayed far more heavily than they have been by the Probate Judges and Probate and Estate Planning Sections," Geller says. "I think the Michigan Supreme Court has had enough and there will be consequences for judges who do not follow the law."

Michigan attorneys like "Paul" (who requested anonymity) believe that reform can only start with Michigan Supreme Court Justices.

"In my view, the Michigan Supreme Court has an exclusive duty and responsibility for what these judges are doing because the Judicial Tenure Commission won't do anything about them," he says. "They are the only option. Most people don't know that they are the final arbiter. I don't think they or the Michigan Supreme Court know the full extent of what's happening here."

Relieved of Their Appointments



At a Listening Session, Michigan Attorney General Dana Nessel (left) speaks to an Oakland County Probate Court litigant. Image courtesy of Jody Rice-White

As for the public administrators themselves, on August 23, 2019 Nessel announced (<https://web.archive.org/web/20200616123625/https://www.detroitnews.com/story/news/local/michigan/2019/08/23/nessel-relieves-4-lawyers-state-appointed-duties-administer-certain-estates/2099647001/>) that Yun, Carney and Fraser had been “relieved of their appointments” as Public Administrators. A fourth, Macomb County Public Administrator Robert Kirk was also included.

No specific details were released as to why, beyond a Nessel spokesperson’s brief comment to the Detroit News that stated “This was an internal decision made, in part, based on the feedback our office received from the communities we visited during our elder abuse listening tour.”

Although Nessel has repeatedly said that Public Administrators take on guardianships and conservatorships as private attorneys, she did not clarify if or how the decision would provide any tangible changes to their actions as guardians and conservators.

Gary Redd, who remains engaged in a battle in O’Brien’s courtroom more than five years after a co-guardianship with Carney first entangled he and his mother Dorothy there, says Nessel’s actions leave a lot to be desired.

“It’s not enough,” Redd said. “She didn’t even say ‘fired’, she just removed them as Public Administrators. That’s not enough because they’re criminals. These people are lawyers and they have a badge that allows them to kill.”



L to R Ada Dorothy Redd and Gary Redd.
Image courtesy of Gary Redd

“They take people’s property and money. How in the hell can you justify something like that?” He wonders. “You have family members who want to take care of their loved ones and these judges still assign a Public Administrator.”

“I didn’t need a Public Administrator,” he adds. “It was appalling. These people know they are doing wrong. There needs to be further investigation into what they’re doing. Then you’ve got the judges who take campaign donations from them. This whole thing is a racket.

Tim Mulholland, CFE, MSAF a forensic accountant and certified fraud examiner who conducted the first ever independent, public review ([https://web.archive.org/web/20200616123625/https://storage.googleapis.com/wzukusers/user-](https://web.archive.org/web/20200616123625/https://storage.googleapis.com/wzukusers/user-15021878/documents/180ba752ebc242a6804f5e363b8c1c07/Oakland%20County%20Probate%20Court%20ReportII%20(2).pdf)

[15021878/documents/180ba752ebc242a6804f5e363b8c1c07/Oakland%20County%20Probate%20Court%20ReportII%20\(2\).pdf](https://web.archive.org/web/20200616123625/https://storage.googleapis.com/wzukusers/user-15021878/documents/180ba752ebc242a6804f5e363b8c1c07/Oakland%20County%20Probate%20Court%20ReportII%20(2).pdf)) of Oakland County Guardianship cases, says that any investigation or audit should be independent of Michigan’s courts.

“Oakland County was not a subject of any of the previous audits, despite the fact that it is one of the largest probate courts in the state,” he says. “Because of the close associations and business ties of court officers and the law firms involved, a full independent audit is recommended.”

Jody Rice-White, a former candidate for Michigan’s House of Representatives, who spent a month in the maximum security division of the Oakland County Jail after speaking out about O’Brien to the Oakland County Board of Commissioners.

“I have to believe that the three branches of state government, working side by side, will help us fight the villains in our judicial system,” she says. “We need a judicial system that monitors its judges.”

Christine Abood, whose mother Gloria died while under Yun’s guardianship, emphasized the consequences of inaction from Nessel’s office.



Christine Abood gets ready for an Oakland County Probate Court Protest
Image courtesy of Jody Rice-White

"If she doesn't investigate, prosecute and jail now, these attorneys will know that they can be protected by the AG's office and Michael Moody," she asserts. "It's being set up as a comfort zone for corruption to continue in Michigan."

Randy Asplund's mother Roberta is presently in isolation from him in a long-term care facility. An order recently, issued from Washtenaw County Judge Julia B. Owdziej, granted the under-sale of her home by her conservator.

Asplund feels like Nessel is failing alleged probate victims.

"I have yet to see the Task Force step in and take any meaningful action against the judges or their appointed fiduciaries," he says. "I really feel kicked in the gut. What's happening to my mom and so many others like her is just

heartbreaking to the extreme. Nessel was the one hope for justice in Michigan and she has abandoned her people."

The Last Word on Guardianship?

Before she passed away in 2015, former Michigan Supreme Court Chief Justice Elizabeth Weaver wrote of her time at the Michigan Supreme Court, "Unnecessary secrecy is the crux of the problem. It allows the worst propensities in human nature, hatred, lust for power, revenge and deceit, to take root and grow. Unnecessary secrecy enables and facilitates people, even good people to do bad things."

"Do right and fear not," she concluded.

During Nessel's March 25, 2019 announcement (<https://web.archive.org/web/20200616123625/https://www.fox47news.com/news/local-news/ag-dana-nessel-and-mi-supreme-court-justices-announce-michigan-elder-abuse-task-force>) of the Elder Abuse Task Force, Michigan Supreme Court Justice Richard Bernstein stated that it was the intention of the justices to finally do right by Michigan's wards.

"Our goal is to ensure that Michigan's aging population is receiving the protections promised by our laws," he said. "Our court is committed to taking action so that our adult guardianship system is providing proper care for vulnerable individuals."

Whether Bernstein and his colleagues will reverse decades of secrecy concerning surrounding alleged probate corruption, unresolved by the Task Force's two predecessors remains in question.

Like Geller and Paul, in a statement to this investigation, Michigan Elder Justice Initiative Managing Attorney Alison Hirschel was optimistic.

"Previously, we lacked a specific champion in the Supreme Court or the Department of Attorney General who was committed to reform on guardianship issues," she writes.

"However, Michigan Supreme Court Justices Bernstein and [Megan] Cavanagh seem



L to R: Roberta and Randy Asplund.
Image courtesy of Randy Asplund.

very determined and committed to this new effort. It is a different time than when the previous Task Forces were created. Models of and thoughts about guardianship are changing across the country and the world."

However, fellow Michigan attorney Steven G. Cohen says he has "zero confidence" the Task Force will succeed where others have failed, and adds that some probate court judges and attorneys have simply blinded themselves to their own corruption.

"Guys like John Chase and Alan May have been running roughshod for so long that they've utterly lost their principles," he says. "I truly believe that they don't see what they're doing as being corrupt. They've been breaking the rules with impunity for so long that they don't see a problem with it. My speculation is that these are very powerful people who exert their power behind the scenes and make life very difficult for anyone who challenges their authority and their abuses."

Aboud believes that Michigan's vulnerable will continue to suffer because of that impunity.

"The judges know the loopholes and use them to take advantage of vulnerable individuals and their families," she says. "The result is that the elder becomes lost in a system overrun by the greed of public administrators whose only goal is profit. We need to start over with a new system that protects the ward, the family, their property, and their rights and wishes." **There are no unread comments at this time.**

Asplund states that, given their complete loss of constitutional and civil rights, wards should at least have more of a voice. "They should retain the right to accept help from someone they trust, but also to refuse and cancel that aid if it is their wish," he explains. "To remove the rights of the individual and give them to a corrupt fiduciary results in a destructive ripple effect."

Hoyle believes the entire guardianship system must be demolished.

"A guardianship does more to alienate family members and makes it impossible for a vulnerable person to develop any relationships," he asserts. "It's not a useful tool and it hasn't been a useful tool on behalf of people, ever."

It's a philosophy echoed by some of those individuals working on a national level.

"This is an intrusion on personhood that's just shocking," Southwick says. "How can you protect someone by taking away their rights? Courts say that they are protecting a ward and acting in a ward's best interests, but who is to define what the best interests of any individual person are? What is going on must become a part of the national vocabulary. Laws are no good if no one is prepared to enforce them."

Advocate Marti Oakley agrees.

"You have to return to a system of law," she says. "Until we see prosecutions against these guardians and courts, this is going to go on. But these people are so well-connected and so well-funded that nothing happens. I don't think, in my lifetime, any attempt will be made to put a stop to this. You have to disband these probate and family courts in favor of a court where the law is applied, where you do have rights and the [US] Constitution is in place."

Falk remains determined to get federal legislators to listen, despite push-back from pro-guardian advocacy groups who insist that guardianship abuse is rare and those journalists who investigate it exaggerate the problem.

"These are not isolated incidents," she says. "Even if they were, one case is one case too many. This should not be happening in America. But it's a well-oiled machine running perfectly to line the pockets of the very people denouncing our attempts to reform it. I've never seen anything this corrupt in my life. You can't sugarcoat it, and it's outrageous that we are having this discussion at all."

In a comment to the Detroit News

(<https://web.archive.org/web/20200616123625/https://www.detroitnews.com/story/news/local/michigan/2019/08/23/nessel-relieves-4-lawyers-state-appointed-duties-administer-certain-estates/2099647001/>) regarding her August 23 firing, former Public Administrator Carney seemed to indicate that nothing at the Oakland County Probate Court will change any time soon.

"My work as an advocate for the protection of vulnerable adults will continue," she said.

This investigation reached out to Judges Hallmark, Callaghan, Ryan and O'Brien. No comment was received.

In a brief statement, Oakland County Court Administrator Edward Hutton said "I am unable to comment on matters pending before this court."

Requests for comment to Carney, Fraser, Munger and Yun's offices were not returned. Calls to Independence Village was not returned.

Requests for comment to the State Court Administrator's Office and the Michigan Supreme Court were unanswered.

This investigation presented its findings to Michigan Attorney General Dana Nessel's staff on March 12, 2019. At that time, no comment was received. There have been no replies to further requests for comment.

Click here

(https://web.archive.org/web/20200616123625/https://www.dailykos.com/stories/2019/8/23/1880844/-The-Fortress-Part-Four-of-Five-The-Consequences-of-Protecting-Justice?_=2019-08-23T12:31:29.546-07:00) for part four

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This investigation would like to thank Ellen Chamberlain, Slone Terranella, Hope Winkles, Tim Mulholland, Bradley Geller, Christie Chisholm the attorneys who spoke on the record and assisted with background, the wards of Michigan's probate courts and their families without whose courage, faith and strength this investigation would not have been possible.

Gretchen Rachel Hammond is an award-winning freelance investigative journalist based out of Chicago. Her work has won or been nominated for four successive Chicago Press Club awards, been recognized by the National Association of Lesbian and Gay Journalists (NLGJA), and covered topics such as [criminal justice](#).

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