

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Jane Marie Beckering
Jane Marie Buchanan

2. **Position**: State the position for which you have been nominated.

United States District Court Judge for the Western District of Michigan

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Michigan Court of Appeals
State of Michigan Office Building
350 Ottawa Avenue, Northwest
Grand Rapids, Michigan 49503

4. **Birthplace**: State year and place of birth.

1965; Grand Rapids, Michigan

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1987 – 1990: University of Wisconsin Law School; J.D. (with honors), 1990

1983 – 1987: University of Michigan; B.A. (with distinction), 1987

Winter Term 1986: Universidad de Madrid

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

September 2007 – present
Michigan Court of Appeals
State of Michigan Office Building

350 Ottawa Avenue, Northwest
Grand Rapids, Michigan 49503
Appellate Judge
Chief Judge Pro Tempore (2018 – present)

2000 – 2007
Buchanan & Beckering, PLLC
171 Monroe Avenue, Northwest, Suite 750
Grand Rapids, Michigan 49503
Partner/Member

1995 – 2000
Buchanan, Silver & Beckering, PLLC
300 Ottawa Avenue, Northwest, Suite 800
Grand Rapids, Michigan 49503
Partner/Member

1992 – 1995, Summer 1988
Buchanan & Bos, PC
300 Ottawa Avenue, Northwest, Suite 800
Grand Rapids, Michigan 49503
Associate

1990 – 1992, Summer 1989
McDermott, Will & Emery
444 West Lake Street
Chicago, Illinois 60606
Associate

Fall 1989 – Spring 1990
Foley & Lardner, LLP
150 East Gilman Street, Suite 5000
Madison, Wisconsin 53703
Law Clerk

Other Affiliations (Uncompensated)

2020 – present
Grand Rapids Bar Association
161 Ottawa Avenue, Northwest, Suite 203-B
Grand Rapids, Michigan 49503
President-Elect (2021 – present)
Vice-President (2020 – 2021)

2005 – 2009
Hillman Advocacy Program
(Jointly sponsored by the U.S. District Court for the Western District of Michigan and the
Western District of Michigan Chapter of the Federal Bar Association)

110 Michigan Street, Northwest
Grand Rapids, Michigan 49503
Steering Committee Chairperson (2007 – 2009)
Steering Committee Vice-Chairperson (2005 – 2007)

July 2006 – September 2006
Michigan Association for Justice
325 Walnut Street
Lansing, Michigan 48933
Treasurer

2004 – 2007
Grand Rapids Bar Association
161 Ottawa Avenue, Northwest, Suite 203-B
Grand Rapids, Michigan 49503
Trustee

2002 – 2006
Migrant Legal Aid
(f/k/a/ Michigan Migrant Legal Assistance Project)
1104 Fuller Avenue, Northeast
Grand Rapids, Michigan 49503
Secretary/Treasurer

1994 – 1995
Grand Rapids Bar Association
161 Ottawa Ave, Northwest, Suite 203-B
Grand Rapids, Michigan 49503
Secretary, Young Lawyers' Section

1987 – 1989
American Association for Justice
777 6th Street, Northwest, Suite 200
Washington, District of Columbia 20001
President, University of Wisconsin Law School Student Chapter (1988 – 1989)
Secretary, University of Wisconsin Law School Student Chapter (1987 – 1988)

1987 – 1989
Wisconsin Association for Justice
14 West Mifflin Street, Suite 207
Madison, Wisconsin 53703
President, University of Wisconsin Law School Student Chapter (1988 – 1989)
Secretary, University of Wisconsin Law School Student Chapter (1987 – 1988)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Lifetime Judicial Achievement Award, American Board of Trial Advocates (2018)

Fellow, Michigan State Bar Foundation (2014 – present)

Fellow, Justice Foundation of West Michigan (2007 – present)

Listed in *The Best Lawyers in America*, Personal Injury Litigation (2003 – 2008)

Named in *Michigan Super Lawyers*

Listed among “*Top 100 Lawyers*” (2006 – 2008) (10 women named)

Listed among “*Top 50 Female Lawyers*” (2006 – 2008)

AV-rating, Martindale-Hubbell (2002 – 2007)

Recognized by Michigan Migrant Legal Assistance Project for seven years of service on the Board of Directors (2006)

Degree from the University of Wisconsin Law School conferred with honors (1990)

American Jurisprudence Award, Creditors’ & Debtors’ Rights (1990) (Book Award)

Dean’s List, University of Wisconsin Law School (Fall 1987 – 1988, Fall 1989 – 1990)

Degree from the University of Michigan conferred with distinction (1987)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Advanced Science & Technology Adjudication Resource Center (ASTAR)
Judge Participant, March (2010 – 2012)

American Association for Justice

President, University of Wisconsin Law School Student Chapter (1988 – 1989)

Secretary, University of Wisconsin Law School Student Chapter (1987 – 1988)

Member (1987 – 2008)

American Bar Association, Member (1992 – 2014, 2017 – present)

American Inns of Court, Gerald R. Ford Chapter
Executive Committee (1997 – 1998)

Reporting Committee (1997 – 1998)
Nomination Committee (1996 – 1998)
Member (circa 1995 – 1998)

American Judicature Society, Member (approximately 1999)
Chicago Bar Association (1990 – 1992)

Federal Bar Association, Member (various years including 2021)

Grand Rapids Bar Association

President-Elect (July 2021 – present)
Vice-President (July 2020 – June 2021)
Chairperson, Nominations Committee (2021)
Awards Committee (2021)
Trustee (2004 – 2007)
Law Day Committee (1992 – 1995, 2007)
Membership Committee (2004 – 2007)
Subcommittee Chair, Recruitment and Retention (2004 – 2007)
Litigation Section (1999 – 2007)
Co-Chair, Social Host Committee (2006)
Liberty Bell Award Committee (2000, 2006)
Legal Assistance Center Committee (1999 – 2000)
Pro Bono Committee (approximately 1997 – 1999)
Young Lawyers Section (1992 – 1996)
Secretary, Young Lawyers Section (1994 – 1995)
Law Day Committee (1992 – 1995)
Judicial Review Committee (1994)
Luncheon Series Planning Committee (1994)
Child Care Task Force (1994)
Sections Development Committee (1993 – 1994)
Young Lawyers Section Citizens Law School Committee (1993 – 1995)
Young Lawyers Section Horn of Plenty Committee (1992 – 1994)
Grand Rapids Bar Association member (1992 – present)

Hillman Advocacy Program

Steering Committee (2001 – 2002, 2004 – present)
Core Advisory Committee (approximately 2005 – present)
Steering Committee Selection Subcommittee (2005 – present)
Faculty Selection Subcommittee (2005 – present)
Faculty Demonstrators Selection Subcommittee (2005 – present)
Faculty Member (2003 – 2005, substitute instructor 2015 – 2017, 2020)
Workshop Volunteer Witness (2018)
Faculty Demonstrator, Closing Argument (2003, 2012)
Chairperson (2007 – 2009)
Vice-Chairperson (2005 – 2007)
Chairperson, Fundraising Subcommittee (approximately 2005 – 2007)

Illinois Bar Association, Member (1990 – 2007)

International Society of Primerus Law Firms, Member (1993 – 2007)

Justice Foundation of West Michigan, Fellow (2007 – present)

Merit Selection Panel, United States District Court for the Western District of Michigan
Magistrate Judge Selection Panel, Member (2013 –2014)

Merit Selection Panel, United States District Court for the Western District of Michigan
Magistrate Judge Evaluations Panel, Chairperson (Spring 2008)

Michigan Association for Justice

Executive Board (1999 – 2007)

Treasurer (July 2006 – September 2006)

Chairperson, Medical Malpractice Section (2005 – 2006)

MTLA Listserv Committee (2004 – 2006)

Legislative Rapid Response Committee (2004 – 2006)

Co-Chair, Education Committee (2003 – 2006)

Justice PAC (2001 – 2006)

Education Committee (2001 – 2006)

Judicial Qualifications Committee (2003)

Membership Committee (1999 – 2002)

Special Forces Member, MTLA Team 2000 (1999 – 2001)

Mentor Program (1999)

Michigan Association of Justice member (1993 – 2015)

Michigan Bar Association, Member (1992 – present)

Michigan Judges Association

Member (2007 – 2014, 2020 – present)

Executive Board, Court of Appeals Liaison (2010 – 2012)

Michigan State Bar Foundation, Fellow (2014 – present)

Michigan Supreme Court Committee on Model Civil Jury Instructions, Member (2009 –
2019)

Michigan Migrant Legal Assistance Project (Migrant Legal Aid)

Board Member (1999 – 2006)

Secretary/Treasurer (2002 – 2006)

Personnel Committee, Chairperson (1999 – 2006)

Planning Committee (2004 – 2006)

Wisconsin Association for Justice

President, University of Wisconsin Law School Student Chapter (1988 – 1989)

Secretary, University of Wisconsin Law School Student Chapter (1987 – 1988)

Member (1987 – 1990)

Wisconsin Bar Association, Member (1990 – 2007)

Women Lawyers Association of Michigan, Member (1992 – 2007, then various years including 2021)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Illinois, 1990
Wisconsin, 1990
Michigan, 1992

There have been no lapses in my membership in the Michigan bar. I had no lapses in my memberships in the Illinois and Wisconsin bars before I became a judge in 2007. After taking the bench, I decided not to renew my memberships in the Illinois and Wisconsin bars and went on inactive status.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States District Court for the Northern District of Illinois, 1990
United States District Court for the Western District of Michigan, 1992
United States District Court for the Western District of Wisconsin, 1990

There have been no lapses in membership in the Western District of Michigan. After taking the bench, I went on inactive status in Illinois and Wisconsin.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Center for Patient Advocacy, President's Club Member (1999 – 2000)

Delta Gamma Fraternity
Alumnae Association Member (1990 – present)
Local Chapter Bylaws Chairperson (circa 1996)

Institute of Continuing Legal Education
Co-Consulting Editor, *Michigan Civil Procedure* (2012 – present)

Meijer Frederick Gardens & Sculpture Park, Member (approximately 2010, 2015, and various other years)

University of Michigan Alumni Association, Member (various years, including 2018 – present)

Urban Institute for Contemporary Arts, Member (2017 – 2018)

Women's Progressive Alliance, Member (2004 – 2008)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of the organizations listed in response to 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies and practices other than my college and alumna membership in the all-female fraternity, Delta Gamma. Other than admitting only women to the organization, it otherwise does not discriminate on the basis of race, sex, religion or national origin.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Michigan Courts 101, Institute of Continuing Legal Education. I authored Sections I and V of the written materials accompanying on-demand video presentation. First published in 2017, updated in 2021. Copy supplied.

Back-cover review quotation for the book, "*The Articulate Witness, An Illustrated Guide to Testifying Confidently Under Oath*," by Brian K. Johnson and Marsha Hunter (2015). Copy supplied.

Michigan Civil Procedure, Second Edition, Institute of Continuing Legal Education. Co-Editor from 2012 to Present (regularly updated). Co-Author of Chapter 24, Judgments. Copy of Chapter 24 supplied.

Making Final Orders Final, 40 Mich. Fam. L.J., No. 7 (Aug./Sept. 2010). Copy supplied.

Don't blame silly labels on lawsuits, letter to the editor, Grand Rapids Press, Jan. 31, 2000. Copy supplied.

One-branch government, letter to the editor, Detroit Free Press, Oct. 5, 1999. Copy supplied.

Finding Real Value in "Loss of Service" Damages, 33 Mich. Ass'n for Just. Q., No. 2, 7 (Spring 1999). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I helped prepare an updated Mission Statement for the Michigan Migrant Legal Assistance Project in approximately 2001 during an executive committee retreat. The organization is now called Migrant Legal Aid. Mission statement supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

In 2021 I helped produce a written communication titled *The Past and Future of the Court of Claims* for dissemination to members of the Michigan Legislature in association with suggested reformation of the Court of Claims legislation, as the Court of Claims is currently housed within the Michigan Court of Appeals. Copy supplied.

In 2018, I endorsed Curt Benson as a candidate for the Kent County Circuit Court. Copy of the campaign's #bensonforthebench Instagram post supplied.

From 2009 to 2019 I served on the Michigan Supreme Court Committee on Model Civil Jury Instructions. Communications regarding revisions to civil jury instructions supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter.

If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

To my recollection and through a review of my calendars, old curricula vitae, stored materials, and searches of publicly available databases, I have found the following responsive materials:

June 2, 2021: Guest Speaker, “Inaugural Bench and Bar Question and Answer Session,” Grand Rapids Bar Association Young Lawyers’ Section virtual event, Grand Rapids, Michigan. Notes supplied.

April 20, 2021: Presenter of Liberty Bell Award to Greater Grand Rapids NAACP, Grand Rapids, Michigan. Notes supplied.

November 19, 2020: Presenter, New Lawyer Admissions Ceremony, Grand Rapids Bar Association, virtual event, Grand Rapids, Michigan. My presentation was to welcome new lawyers on behalf of the Court of Appeals. I have no notes, transcript, or recording. The address for the Grand Rapids Bar Association is 161 Ottawa Avenue, Northwest, Grand Rapids, Michigan 49503.

September 24, 2020: Panelist, “Judicial Jamboree– A Discussion About Remote Justice,” Appellate Practice Section of the State Bar of Michigan, statewide virtual event. Recording available at https://youtu.be/k_sFs6i29cA.

September 17, 2020: Speaker, Inauguration Ceremony for State Bar of Michigan officers for 2020 to 2021, virtual event, statewide. Recording available at <https://www.youtube.com/watch?v=acqvqG5k8W8> (my remarks can be found at around 37:11 to 38:18).

May 8, 2019: Panel judge and presenter, “3R’s Debate,” Grand Rapids Bar Association, Grand Rapids, Michigan. I served as a mock debate judge and gave remarks to University Preparatory Academy 9th graders during an oral advocacy workshop. I have no notes, transcript, or recording. The address for the Grand Rapids Bar Association is 161 Ottawa Avenue, Northwest, Grand Rapids, Michigan 49503.

April 1, 2019: Moot court judge, 94th Henry M. Cambell Moot Court Competition, University of Michigan Law School, Ann Arbor, Michigan. I served as a moot court judge and gave remarks regarding appellate oral advocacy strategies to the competitors who appeared before me. I have no notes, transcript, or recording, but press coverage is supplied.

March 29, 2019: Plenary panel speaker, “Technology and the Record,” Michigan Appellate Bench Bar Conference, State Bar of Michigan, Plymouth, Michigan. Transcript supplied.

December 7, 2018: Speaker, acceptance remarks upon receiving Lifetime Judicial Achievement Award, American Board of Trial Advocates annual dinner, Detroit, Michigan. Notes supplied.

November 15, 2018: Speaker, “View from the Appellate Bench, Top Ten Tips for Making Effective Oral Arguments,” Family Law Institute, 17th Annual Conference, Institute of Continuing Legal Education, Plymouth, Michigan. Written materials supplied.

October 26, 2018: Panel speaker, “Appellate Advocacy,” State Appellate Defender Office (SADO)/ Michigan Appellate Assigned Counsel System (MAACS), Fall training program, Lansing, Michigan. The panel, comprised of judges and court staff, was on appellate advocacy tips. I have no notes, transcript, or recording. The address for SADO is 200 North Washington Square, Lansing, Michigan 48933.

October 18, 2018: Panelist and breakout session facilitator, “Promoting Professionalism in the 21st Century,” State Bar of Michigan, Lansing, Michigan. This day-long seminar focused on civility and integrity in the practice of law. I have no notes, transcript, or recording, but press coverage supplied. The address for the State Bar of Michigan is 306 Townsend Street, Lansing, Michigan 48933.

September 27, 2018: Panelist, “The Dos and Don’ts of Oral Advocacy,” Appellate Practice Section of the State Bar of Michigan, Grand Rapids, Michigan. The panel was on oral advocacy tips and techniques. I have no notes, transcript, or recording. The address for the State Bar of Michigan is 306 Townsend Street, Lansing, Michigan 48933.

June 8, 2018: Presenter, New Lawyer Admissions Ceremony, Grand Rapids Bar Association. I gave welcoming remarks on behalf of the Michigan Court of Appeals. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Grand Rapids Bar Association is 161 Ottawa Avenue, Northwest, Grand Rapids, Michigan 49503.

May 30, 2018: Speaker, “Appellate Practice in Post Judgment Custody, Parenting Time and Child Support Matters,” Institute of Continuing Legal Education, Ann Arbor, Michigan. Notes supplied.

May 10, 2018: Panelist, United States District Court for the Western District of Michigan’s Leadership Development Program, Grand Rapids, Michigan. Notes supplied.

April 27, 2018: Speaker, “Introduction to the Michigan Court of Appeals,” Brownie Troop visit to Michigan Court of Appeals, Grand Rapids, Michigan. Notes supplied.

July 24, 2017: Presenter, "Michigan Courts 101," Institute of Continuing Legal Education, Video On-Demand Seminar, Ann Arbor, Michigan. Copy of written materials and video supplied.

April 28, 2017: Panelist, "Winning with the Court," Women Lawyers Association of Michigan, Lansing, Michigan. The panel was on practice advice and work-life balance. I have no notes, transcript, recording. The address for the Women Lawyers Association of Michigan is 120 North Washington Square, Suite 110A, Lansing, Michigan 48933.

November 15, 2016: Presenter, New Lawyer Admissions Ceremony, Grand Rapids Bar Association, Grand Rapids, Michigan. Notes supplied.

May 19, 2016: Presenter, "Justice Scholars," program for grade school students hosted by the United States Attorney's Office for the Western District of Michigan, Grand Rapids, Michigan. I discussed oral advocacy and the Michigan Court of Appeals. I have no notes, transcript, or recording, but press coverage is supplied. The address for the United States Attorney's Office is 330 Ionia Avenue, Northwest, Suite 501, Grand Rapids, Michigan 49503.

April 22, 2016: Breakout session judicial representative, "Unlocking Lockridge: The Key to Fact-Finding at Sentencing," Appellate Bench Bar Conference, State Bar of Michigan, Plymouth, Michigan. I was a judicial panel member for a breakout session about the impacts of the *Lockridge* case on fact-finding at sentencing and how the decision affects the scoring of the prior record variables and offense variables, as well as the practical responses to the decision. I have no notes, transcript, or recording. The address for the Michigan Bar Association is 306 Townsend Street, Lansing, Michigan 48933.

April 22, 2016: Breakout session judicial representative, "Mitigation and Litigation in Juvenile Lifer Resentencing Hearings," Appellate Bench Bar Conference, State Bar of Michigan, Plymouth, Michigan. I was a judicial panel member for a breakout session about the decision in *Miller v Alabama* and the Michigan legislative response that altered the manner in which sentencings for juveniles who commit murder in Michigan are conducted. I have no notes, transcript, or recording. The address for the Michigan Bar Association is 306 Townsend Street, Lansing, Michigan 48933.

April 22, 2016: Plenary panel member, "Shaping the Law: Tools of Advocacy and Decision Making," Appellate Bench Bar Conference, State Bar of Michigan, Plymouth, Michigan. I was a member of a "mega panel" of Court of Appeals judges, and we discussed ways in which both the bench and bar shape the law, including topics such as approaches to precedent, development of the common law, publication of decisions, statutory interpretation, and judicial restraint. I have no notes, transcript, or recording. The address for the Michigan Bar Association is 306 Townsend Street, Lansing, Michigan 48933.

April 16, 2016: Presenter of Champion of Justice Award to Jules Olsman, Michigan Association for Justice annual meeting, Detroit, Michigan. Notes supplied.

November 13, 2015: Presenter, New Attorney Admissions Ceremony, Grand Rapids Bar Association, Grand Rapids, Michigan. I have no notes, transcript, or recording, but my remarks would have been substantially similar to the admissions ceremony on November 19, 2013, for which notes have been supplied. The address for the Grand Rapids Bar Association is 161 Ottawa Avenue, Northwest, Grand Rapids, Michigan 49503.

April 23, 2015: Guest Speaker, "Recommendations for Successfully Navigating the Appellate Courts," Garan Lucow Miller annual spring breakfast seminar, Grand Rapids, Michigan. Notes supplied.

February 26, 2015: Mentor Jet participant, Western Michigan University Thomas M. Cooley Law School, Grand Rapids, Michigan. I answered questions from the student participants. I have no notes, transcript, or recording. The address for Thomas M. Cooley Law School is 111 Commerce Avenue, Southwest, Grand Rapids, Michigan 49503.

April 30, 2014: Participant and guest, Western District of Michigan Chapter of the Federal Bar Association "Book Club" event. The other participants and I discussed Justice Sotomayor's memoir, *My Beloved World*. I have no notes, transcript, or recording. The address for the Western District of Michigan Chapter of the Federal Bar Association is P.O. Box 2303, Grand Rapids, Michigan 49501.

February 27, 2014: Mentor Jet participant, Western Michigan University Thomas M. Cooley Law School, Grand Rapids, Michigan. I have no notes, transcript, or recording. The address for Thomas M. Cooley Law School is 111 Commerce Avenue, Southwest, Grand Rapids, Michigan 49503.

November 19, 2013: Presenter, New Lawyer Admissions Ceremony, Grand Rapids Bar Association, Grand Rapids, Michigan. Notes supplied.

October 10, 2013: Presenter, "A Tour of the Michigan Court of Appeals," NALS, the association for legal professions, Grand Rapids, Michigan. Notes supplied.

March 27, 2013: Presenter, Career Day, Forest Hills Central Middle School, Grand Rapids, Michigan. Notes supplied.

September 20, 2012: Speaker, "How to File an Appealing Appeal," Michigan Association of Municipal Attorneys, Lansing, Michigan. Presentation supplied.

April 27, 2012: Judicial panelist, Women Lawyers Association of Michigan annual meeting, Grand Rapids, Michigan. Notes supplied.

March 25, 2012: Keynote speaker, East Grand Rapids High School Academic Honors Ceremony, Grand Rapids, Michigan. Notes supplied.

January 20, 2012: Faculty Demonstrator, Closing Argument in *Flinders Aluminum Fabrication Corporation v. Mismo Fire Insurance Company*, Hillman Advocacy Program, Grand Rapids, Michigan. I have no notes, transcript, or recording. The current address for the Hillman Program is C/O Andrea Bernard, Warner Norcross & Judd, 150 Ottawa Avenue, Northwest, Unit 150, Grand Rapids, Michigan 49503.

May 13, 2011: Guest speaker, "Court of Appeals – Update," 66th Annual Rapid Fire Seminar, Michigan Association for Justice, Dearborn, Michigan. Notes supplied.

February 17, 2011: Panelist, "Practice Pointers from the Bench: Professionalism & Civility," New Attorney Orientation Program, Grand Rapids Bar Association, Grand Rapids, Michigan. Notes supplied.

October 9, 2010: Guest speaker for Western Michigan University Thomas M. Cooley Law School weekend students, Grand Rapids, Michigan. The discussion was on advocacy and the practice of law. I have no transcript, recording, or notes. The address for Thomas M. Cooley Law School is 111 Commerce Avenue, Southwest, Grand Rapids, Michigan 49503.

September 30, 2010: Panelist, "Post-Judgment Procedures and the Appeal," Appellate Practice Section, State Bar of Michigan, Grand Rapids, Michigan. Written materials supplied.

June 9, 2010: Breakout session judicial representative, "Mitigation and Litigation in Juvenile Lifer Resentencing Hearings," Appellate Bench Bar Conference, State Bar of Michigan, Plymouth, Michigan. I was a judicial panel member for a breakout session about the decision in *Miller v Alabama* and the Michigan legislative response that altered the manner in which sentencings for juveniles who commit murder in Michigan are conducted. I have no notes, transcript, or recording, but conference summary report supplied. The address for the Michigan Bar Association is 306 Townsend Street, Lansing, Michigan 48933.

June 9, 2010: Plenary panel member, "The Case for Civility and Collegiality: Fostering Integrity and Respect for the System," Appellate Bench Bar Conference, State Bar of Michigan, Plymouth, Michigan. I was a member of a plenary panel on the topic of civility and collegiality, including what it means, its impact on the public's perception of justice, how to promote collegiality, and whether there should be civility standards. I have no notes, transcript, or recording, but conference summary report supplied. The address for the Michigan Bar Association is 306 Townsend Street, Lansing, Michigan 48933

May 24, 2010: Panelist, "Appellate Practice," Gerald R. Ford American Inns of Court, Grand Rapids, Michigan. I have no notes, transcript, or recording. The local chapter is no longer active.

April 16, 2010: Guest lecturer, "Successful Negotiation and Communication Strategies from a Legal Perspective," Business 4750 Strategic Business Solutions Class, Western Michigan University, Kalamazoo, Michigan. I have no notes, transcript, or recording. I spoke about how lawyers negotiate. The address for Western Michigan University is 1903 West Michigan Avenue, Kalamazoo, Michigan 49008.

February 25, 2010: Guest speaker, "Practice Pointers from the Bench: Professionalism & Civility," New Attorney Orientation Program, Grand Rapids Bar Association, Grand Rapids, Michigan. I spoke about civility and advocacy. I have no notes, transcript, or recording. The address for the Grand Rapids Bar Association is 161 Ottawa Avenue, Northwest, Grand Rapids, Michigan 49503.

February 4, 2010: Panelist, Trial Institute, Michigan Association for Justice, Southfield, Michigan. The panel, comprised of judges and judicial faculty, spoke about best practices in court. I have no notes, transcript, or recording. The address for the Michigan Association of Justice is 325 South Walnut Street, Lansing, Michigan 48933.

November 25, 2009: Mock trial judge, "We the People," Center for Civic Education, Third Congressional District High School Competition, Kent Intermediate School District, Grand Rapids, Michigan. I served as a judge and gave remarks to students and their parents about advocacy. I have no notes, transcript, or recording. The address for the Kent Intermediate School District is 2930 Knapp Street, Northeast, Grand Rapids, Michigan 49525.

November 12, 2009: Speaker, "View from the Appellate Bench: Making Final Orders Final II," Eighth Annual Family Law Institute, Institute of Continuing Legal Education, Plymouth, Michigan. Written materials supplied.

January 21, 2009: Presenter, opening remarks as Chairperson at 28th Annual Hillman Advocacy Program, Grand Rapids, Michigan. This is a 2 1/2-day trial skills training program sponsored by the United States District Court for the Western District of Michigan and the Western District of Michigan Chapter of the Federal Bar Association. Notes supplied.

December 11, 2008: Panelist, "Balancing Work and Professional Life," New Attorney Orientation Program, Grand Rapids Bar Association, Grand Rapids, Michigan. Notes supplied.

November 20, 2008: Speaker, "View from the Appellate Bench – Advice to Court Practitioners: Making Final Orders Final," Seventh Annual Family Law Institute, Institute of Continuing Legal Education, Plymouth, Michigan. Written materials supplied.

October 8, 2008: Guest speaker, "The Michigan Judicial System, Our Third Branch of Government," Thornapple Elementary School 4th Grade Class, Grand Rapids, Michigan. Notes supplied.

July 28, 2008: Guest speaker, "Reflections upon Transitioning from Practitioner to Judge, Tips for Lawyers," Brown Bag luncheon for Litigation Practice Group of Rhoades, Mckee, PC, Grand Rapids, Michigan. Notes supplied.

July 13 – July 18, 2008: Faculty instructor, National Institute of Trial Advocacy (NITA), Building Trial Skills, National Session, NITA Education Center, Louisville, Colorado. I have no notes, transcript, or recording. The address for NITA is 325 West South Boulder Road, Suite 1, Louisville, Colorado 80027.

June 24, 2008: Guest Speaker, Brown Bag Lunch Series for Interns at U.S. Attorney's Office, Western District of Michigan, Grand Rapids, Michigan. I discussed trial and appellate practice. I have no notes, transcript, or recording. The address for the U.S. Attorney's Office is 330 Ionia Avenue, Northwest, Suite 501, Grand Rapids, Michigan 49503.

May 28, 2008: Presenter, New Lawyer Admissions Ceremony, jointly sponsored by the United States District Court, Western District of Michigan and the Grand Rapids Bar Association, Grand Rapids, Michigan. Notes supplied.

May 8, 2008: Keynote speaker, Law Day Luncheon, "The Rule of Law," NALS of West Michigan, Grand Rapids, Michigan. Notes supplied.

May 1, 2008: Keynote speaker, 50th Celebration of Law Day, "The Rule of Law," Muskegon County Bar Association, Muskegon, Michigan. Notes and press coverage supplied.

April 24, 2008: Presenter, Bring Your Child to Work Luncheon, Women Lawyers Association of Michigan, Grand Rapids, Michigan. I have no notes, transcript, recording. The address for the Women Lawyers Association of Michigan is 120 North Washington Square, Suite 110A, Lansing, Michigan 48933.

March 12, 2008: Guest speaker, "Box Lunch with Judge Beckering," Young Lawyers Section of Grand Rapids Bar Association, Grand Rapids, Michigan. Notes supplied.

January 23, 2008: Presenter, opening remarks as Chairperson at 27th Annual Hillman Advocacy Program, Grand Rapids, Michigan. This is a 2 1/2-day trial skills training program sponsored by the United States District Court for the Western District of Michigan and the Western District of Michigan Chapter of the Federal Bar Association. Notes supplied.

From approximately 2008 to 2013 I volunteered several times as a mock trial/moot court judge for the “We the People” program, held at the Kent Intermediate School District in Grand Rapids, Michigan, and sponsored by the Center for Civic Education. I served as one of the panel judges who rated the performances of each high school team in order to determine which team proceeded to the next level. I do not recall the events specifically, but I believe any remarks I made would have been limited to evaluating the students. I have no notes, transcript, or recording. The address for the Center for Civic Education is 5115 Douglas Fir Road, Suite J, Calabasas, California 91302.

November 27, 2007: Guest speaker, luncheon sponsored by Grand Rapids Bar Association and Women Lawyers of West Michigan, Grand Rapids, Michigan. Notes supplied.

November 10, 2007: Guest speaker, “Update on Michigan Law Regarding Workers and Women’s Issues,” Region 1D Women’s Conference, Grand Rapids, Michigan. I spoke on legal issues affecting working women. I have no notes, transcript, or recording. The address for Region 1D is 3300 Leonard, Northeast, Grand Rapids, Michigan 49525.

October 29, 2007: Guest speaker, “The Michigan Judicial System, Our Third Branch of Government,” Central Woodlands 5th Grade Class, Grand Rapids, Michigan. Notes supplied.

October 18, 2007: Remarks at Investiture Ceremony for Hon. Jane M. Beckering, Michigan Court of Appeals, Grand Rapids, Michigan. Transcript supplied.

June 6, 2007: Guest speaker, “The Michigan Supreme Court,” Democracy for America, Kent County Chapter, Grand Rapids, Michigan. Presentation supplied.

April 27, 2007: Panelist, “Managing the Balancing Act Between Work and Family,” New Attorney Seminar, Grand Rapids Bar Association, Grand Rapids, Michigan. Notes supplied.

March 20, 2007: Guest lecturer, “Use of Strategy in Litigation,” for business course taught by adjunct professor John Baxter, Grand Valley State University, Grand Rapids, Michigan. I spoke about negotiation strategies in litigation. I have no notes, transcript, or recording. The address for Grand Valley State University is 1 Campus Drive, Allendale, Michigan 49401.

From August 26, 2006 to November 7, 2006, I ran for election to the Michigan Supreme Court. I was nominated by the Michigan Democratic Party at Cobo Hall, located in Detroit, Michigan. I spoke to numerous caucuses on Saturday, August 26, 2006, and I gave an acceptance speech on Sunday, August 27, 2006. Over the ensuing 73 days, I spoke to various groups across the state. Upon searches of publicly available databases, copies of everything found online quoting me or describing my remarks are supplied. The theme of my campaign was that political partisanship has no place in the judiciary, the nonpartisan

branch of government, and that judicial activism, or any type of party favoritism, is inappropriate and unhealthy to democracy. Other than the candidate forum noted below, I have no transcripts or recordings of my remarks or speeches, but I have supplied notes reflecting the content of my public statements.

October 24, 2006: Speaker, Michigan Government Television (“MGTV”) Michigan Supreme Court Candidate Forum. Recording supplied.

July 14, 2006: Speaker, “Telling a Med Mal Story to a Conservative Jury,” Melvin Belli Institute, American Association for Justice, Seattle, Washington. Notes supplied.

May 12, 2006: Speaker, “Using a Velvet Hammer Approach to Jury Selection,” Michigan Association for Justice annual “Rapid Fire” Seminar, Novi, Michigan. Written materials supplied.

March 6, 2006: Panelist, “Effective Closing Arguments,” Gerald R. Ford American Inns of Court, Grand Rapids, Michigan. The panel was on effective closing arguments. I have no notes, transcript, or recording. The Gerald R. Ford American Inns of Court is no longer active and does not have a physical address.

February 13, 2006: Guest lecturer, “Negotiation Tactics in Litigation,” for graduate course, “Negotiating: Skills & Theories,” Aquinas College, Masters of Management Graduate Program, Grand Rapids, Michigan. Written materials supplied.

December 9, 2005: Speaker, “VoiR Dire-Stepping into the Lion’s Den,” Michigan Association for Justice, Novi, Michigan. Written materials supplied.

December 1, 2005: Guest lecturer, “Investigation of Medical Issues in a Personal Injury Case,” Legal Studies 428 course, Grand Valley State University, Grand Rapids, Michigan. Written materials supplied.

October 19, 2005: Co-moderator, “Guidelines for Getting into Court and Staying There, Apsey, NOI’s, AOM & Waltz,” Michigan Association for Justice, Novi, Michigan. This seminar addressed best practices in medical negligence claims in light of several Michigan Supreme Court rulings. I have no notes, transcript, or recording. The address for the Michigan Association for Justice is 325 South Walnut Street, Lansing, Michigan 48933.

July 21, 2005: Guest lecturer, “Negotiation Tactics in Litigation,” Masters of Management Graduate Program course titled, “Negotiating: Skills & Theories,” Aquinas College, Grand Rapids, Michigan. I spoke on negotiation strategies in litigation. I have no notes, transcript, or recording. The address for Aquinas College is 1700 Fulton Street, East Grand Rapids, Michigan 49506.

July 7, 2004: Moderator, “Experts Can Make or Break Your Case,” American Association for Justice, Boston, Massachusetts. The program addressed the use of

experts in litigation. I have no notes, transcript, or recording. The address for the American Association for Justice is 777 6th Street, Northwest, Suite 200, Washington, District of Columbia 20001.

April 16, 2004: Speaker, "Effectively Using Your PDA," Michigan Association for Justice, Novi, Michigan. Presentation supplied.

October 1, 2003: Co-presenter, "Medical Records for Michigan Attorneys," National Business Institute, Grand Rapids, Michigan. Written materials supplied.

July 24, 2003: Presenter, "Documentation Issues and Charting for the Future in Michigan," seminar for nurses and other medical personnel, Lorman Education Services, Grand Rapids, Michigan. Written materials supplied.

May 30, 2003: Speaker, "Using Technology and the Internet to Discover Information Regarding Expert Witnesses," annual Rapid Fire seminar, Michigan Association for Justice, Novi, Michigan. Written materials supplied.

January 24, 2003: Faculty Demonstrator, Closing Argument in *Gilmore v. Global Waste Management*, Hillman Advocacy Program, held in United States District Court for the Western District of Michigan, Grand Rapids, Michigan. I have no notes, transcript, or recording. The current contact for the Hillman Program is C/O Andrea Bernard, Warner Norcross & Judd, 150 Ottawa Avenue, Northwest, Unit 150, Grand Rapids, Michigan 49503.

April 18, 2001: Co-moderator, "Overcoming Juror Bias in Michigan," Michigan Association for Justice, Grand Rapids, Michigan. The seminar was about jury selection. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Michigan Association for Justice is 325 South Walnut Street, Lansing, Michigan 48933.

April 28, 2000: Speaker, "The Use of Focus Groups," annual Rapid Fire seminar, Michigan Association for Justice, Detroit, Michigan. Written materials supplied.

April 18, 2000: Moderator, "Is the Health Care System Sick? Patient's Rights & Health Plan Liability," Grand Rapids Bar Association, Grand Rapids, Michigan. Notes supplied.

May 25, 1999: Co-presenter, "Analyzing Medical Records for the Michigan Paralegal," Institute for Paralegal Education (IPE), a division of the National Business Institute, Inc., Grand Rapids, Michigan. Written materials supplied.

January 25, 1999: Local host and commentator, "Effective Discovery Strategies and Dealing with Liens in Personal Injury Cases," video seminar presentation, Institute for Continuing Legal Education, Grand Rapids, Michigan. This continuing legal education seminar addressed discovery and dealing with liens. I have no notes, transcript, or recording. The address for the Institute of Continuing Legal Education is 1020 Greene Street, Ann Arbor, Michigan 48109.

January 21, 1999: Speaker, "The Key to Large Awards, Excess Economic Loss & Caps: Loss of Services," Michigan Association for Justice, Novi, Michigan. Written materials supplied.

December 9, 1997: Local host and commentator, "Tort Reform: Litigation Strategies for Plaintiffs and Defendants," video seminar presentation, Institute for Continuing Legal Education, Grand Rapids, Michigan. This continuing legal education seminar addressed litigation strategies. I have no notes, transcript, or recording. The address for the Institute of Continuing Legal Education is 1020 Greene Street, Ann Arbor, Michigan 48109.

September 23, 1997 (approximately): Co-presenter "Analyzing Medical Records for the Michigan Paralegal," Institute for Paralegal Education (IPE), a division of the National Business Institute, Inc., Grand Rapids, Michigan. Written materials supplied.

April 1, 1997: Local host and commentator, "The New World of Michigan Tort Reform: Survival Strategies," video seminar presentation, Institute for Continuing Legal Education, Grand Rapids, Michigan. This continuing legal education seminar addressed tort reform. I have no notes, transcript, or recording. The address for the Institute of Continuing Legal Education is 1020 Greene Street, Ann Arbor, Michigan 48109.

August 20, 1996: Presenter, "Paralegals and the Litigation Team," Institute for Paralegal Education (IPE), a Division of National Business Institute, Inc., Grand Rapids, Michigan. Written materials supplied.

May 6, 1996: Local host and commentator, "Liability and Damages After Tort Reform: A Michigan Civil Litigation Revolution in Three Acts," video education seminar, Institute for Continuing Legal Education, Grand Rapids, Michigan. I have no notes, transcript, or recording. The address for the Institute of Continuing Legal Education is 1020 Greene Street, Ann Arbor, Michigan 48109.

October 27, 1993: Moderator and presenter, "Computers & the Law, How to Implement Technology to Efficiently Change How You Practice Law," Grand Rapids Bar Association, Grand Rapids, Michigan. Written materials supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Tom Kirvan, *Guiding light: Judge Jane Beckering was inspired by a 'Finch'*, Grand Rapids Legal News, Jan. 6, 2021. Copy supplied.

Lynn Patrick Ingram, *No Stone Left Unturned*, Mich. B.J., Oct. 1, 2020. Copy supplied.

Cynthia Price, *Judge Jane Beckering is given Lifetime Judicial Achievement Award by ABOTA*, Grand Rapids Legal News, Jan. 16, 2019. Copy supplied.

Conor Dugan, *Meet Judge Jane M. Beckering*, Mich. Appellate Practice Section J., Spring 2017, Vol. 21, No. 2. Copy supplied.

Amanda Fessler, *New Book Teaches Witnesses to 'Calm Down, Speak Up, Ready!'*, Crown King Books Press release, Dec. 1, 2014. Copy supplied.

Emily Finn, *Science school for judges, MIT and Broad Institute open their doors to the judicial community for a workshop at the intersection of science and the law*, MIT News, September 20, 2011. Copy supplied.

Douglas Levy, *On the Stand: Hon. Jane M. Beckering*, Mich. L.W., Sep. 30, 2010. Copy supplied.

Meredith Skrzypczak, *Alito leads lawyers in renewal of oath—Catholic attorneys gather with the Supreme Court justice as a reminder of 'solemn responsibilities'*, Grand Rapids Press, NewsBank, Oct. 26, 2010. Copy supplied.

John C. Buchanan, *Quality of Life*, The Primerus Paradigm, June 2008 (approximately). Copy supplied.

Cynthia Price, *NALS of Michigan hosts Law Day lunch, Beckering discusses rule of law*, Grand Rapids Legal News, Vol. 73, No. 7, May 14, 2008. Copy supplied.

Xi Alumna Appointed Judge, The Delta Gamma Times, Winter 2007–08. Copy Supplied.

Melissa P. Stewart, Esq., *Taking it up a notch, Granholm appoints two prominent litigators to fill COA vacancies*, 21 Mich. L.W. 1234, Oct. 29, 2007. Copy supplied.

Cynthia Price, *Beckering takes her place on the bench*, Grand Rapids Legal News, Oct. 24, 2007. Copy supplied.

David Czurak, *Beckering Takes a Seat*, Grand Rapids Bus. J., Sept. 10, 2007. Copy supplied.

Nate Reens, *GR Lawyer named to appeals court bench—She had inside track after running for state Supreme Court last year*, Grand Rapids Press, Aug. 21, 2007. Copy supplied.

Peter Geier, *State high court grapples with recusal issues*, Nat'l L.J., Jan. 8, 2007. Copy supplied.

Ben Miller, *Jane Beckering for Supreme Court*, election website, Dec. 13, 2006.

Copy supplied.

Marisol Bello, *Big Money Skips These Races: Special Interests Mostly on Sidelines*, Detroit Free Press, Nov. 3, 2006. Copy supplied.

Justice of the Supreme Court – Eight-Year Term – Vote for Two (2), League of Women Voters of Michigan Nonpartisan Voter Guide, Nov. 2006. Copy supplied.

Election 2006 Gannett Michigan Voters Guide, Candidate Detail, Jane M. Beckering, Gannett Mich. Group, Nov. 2006. Copy supplied.

Lawyers Election Guide, Jane M. Beckering, Candidate for the Michigan Supreme Court, Mich. L.W., Oct. 30, 2006. Copy supplied.

David Eggert, *Challengers debate role of court – So far, race to unseat two justices has been polite*, Grand Rapids Press, Oct. 29, 2006. Copy supplied.

Supreme Court picks: Corrigan, Cavanagh -Two distinguished jurists, Jackson Citizen Patriot, Oct. 26, 2006. Copy supplied.

David Eggert, *Two justices, three challengers*, Grand Haven Tribune, Oct. 24, 2006. Copy supplied.

James Prichard, *Michigan Supreme Court candidate Jane Beckering*, Wood tv 8, Oct. 8, 2006. Copy supplied.

Beckering seeks stability for court, Gongwer, Oct. 3, 2006. Copy supplied.

James Prichard, *Lawyering runs in Beckering's family*, The Associated Press State & Local Wire, Sept. 27, 2006. Copy supplied.

Beckering Vows to Balance Scales of Justice, MIRS News-Capitol Capsule, Sept. 13, 2006. Copy supplied.

Two MTLA Stalwarts Up for State-Wide Election, MTLA J., Vol. 40, No. 2, Fall 2006. Copy Supplied.

Attorneys abound in Beckering's family, Grand Rapids Associated Press, Fall 2006. Copy supplied.

Ed Golder, *Labor snub dooms Bowen's political aspirations*, Grand Rapids Press, Aug. 28, 2006: Copy supplied.

Judy Putnam, *Dems pick nominees following floor fights*, Kalamazoo Gazette, Aug. 28, 2006. Copy supplied.

Kathy Barks Hoffman, *Democrats wrap up party nominations at convention*,

Detroit Free Press, Aug. 27, 2006. Copy supplied.

From August 26, 2006 to November 7, 2006, I ran for election to the Michigan Supreme Court. I was nominated by the Michigan Democratic Party at Cobo Hall, located in Detroit, Michigan. I spoke to numerous caucuses on Saturday, August 16, and I gave an acceptance speech on Sunday, August 17, 2006. Over the ensuing 73 days, I spoke to various groups across the state. I have supplied copies of all media coverage in my possession. The theme of my campaign was that political partisanship has no place in the judiciary, the nonpartisan branch of government, and that judicial activism, or any type of party favoritism, is inappropriate and unhealthy to democracy.

May 23, 2005: Featured Guest, Radio Talk Show, Bud Hedinger Live, WFLA-540AM, Orlando, Florida. Topic of discussion was Journal of American Medicine Article regarding 98,000 deaths every day due to medical error. I have no clip or transcript.

\$1.6 M for Botched Thyroidectomy, Verdicts & Settlements, 19 Mich. L.W. 781, May 2, 2005. Copy supplied.

Ted Roelofs, *Patient awarded \$1.6 million*, Grand Rapids Press, Apr. 7, 2005: Copy supplied.

Primerus Member News: Primerus Member receives one of the largest Medical Malpractice verdicts in Grand Rapids, Michigan, The Primerus Paradigm, Apr. – June 2005. Copy supplied.

Karen M. Poole, *Bills in Michigan Legislature Aim to Repair Tort Reform 'Catch 22*, Mich. L.W., Sept. 22, 2003. Copy supplied.

Karen M. Poole and Kelly A. McCauley, *Women in the Legal Profession: Female Attorneys Share Perspectives on Challenges They Face*, 15 Mich. L. W. 1034, June 25, 2001. Copy supplied.

Seminar Examines Jurors and Biases, Mich. L.W., Vol. 15, No. 24, Apr. 16, 2001. Copy supplied.

Guest on *Lawyers Brunch* Radio Program, Wood AM 1300, hosted by Curt Benson and Michael Dunne, June 18, 2000. The topic was on personal injury law. I have no clip or transcript.

MTLA PACESETTER, Jane M. Beckering, MTLA Advance Sheet, Vol. 10, No. 8, Dec. 1999, p. 5. Copy supplied.

Ask the Lawyers, guest lawyer on WGVU-TV television program, Feb. 4, 1999. We answered questions from callers. I have no clip or transcript.

Ask the Lawyers, guest lawyer on WGVU-TV television program, Oct. 3, 1996. I

have no clip or transcript.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I was appointed by Governor Jennifer Granholm to the Michigan Court of Appeals and took office on September 10, 2007. I was elected by Michigan voters to retain the position in 2008. I was re-elected by Michigan voters in 2012 and 2018. I ran unopposed in each election. The Michigan Court of Appeals has statewide jurisdiction and was created by the 1963 Michigan Constitution. Generally, it hears as a matter of right appeals from final orders of a circuit court or probate court, as well as some agency orders. Other lower court or tribunal decisions may be appealed only by application for leave to appeal. The court also has jurisdiction to hear some original actions, such as complaints for mandamus or superintending control against government officers or actions alleging that state law has imposed an unfunded or inadequately funded mandate on local units of government.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have not presided over any cases as a trial court judge. As an appellate judge, I have presided over approximately 4,070 cases that have resulted in the issuance of opinions, and I have handled thousands of motions by way of issuance of orders.

- i. Of these cases, approximately what percent were:

jury trials:	N/A
bench trials:	N/A

- ii. Of these cases, approximately what percent were:

civil proceedings:	50%
criminal proceedings:	50%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list of citations.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *People v. Wiley*, 324 Mich. App. 130 (2018), *appeal denied*, 503 Mich. 929 (2018)

These consolidated cases involved a challenge to the constitutionality of MCL 769.25a(6), which prohibited the application of good-time and disciplinary credits to juvenile offenders who were resentenced in the wake of the United States Supreme Court's decisions in *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, 577 U.S. 190 (2016). Mr. Wiley and Mr. Rucker argued that MCL 769.25a(6) violated the Ex Post Facto Clause of the United States and Michigan Constitutions by precluding the sentencing court from applying certain credits to the respective term-of-years sentences they received on resentencing in the aftermath of *Miller* and *Montgomery*. I concluded that MCL 769.25a(6) violated the Ex Post Facto Clause by imposing new restrictions on a prisoner's eligibility for release. I held that the effect of these new restrictions was to impose greater punishment for crimes committed before the enactment of the statute. In reaching this conclusion, I found persuasive the opinion of United States District Court Judge Mark A. Goldsmith who reached the same conclusion in *Hill v. Snyder*, 308 F. Supp. 3d 893 (E.D. Mich., 2018). The Michigan Supreme Court denied an application for leave to appeal in the case.

Counsel for Plaintiff-Appellee State of Michigan

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2. *People v. Maggit*, 319 Mich. App. 675 (2017)

The issue in this case was whether a police officer had probable cause to arrest Mr. Maggit for violating a city ordinance that prohibited trespassing. Moments before his arrest, Mr. Maggit and his friend Mr. Brown were walking in a parking lot that was open to the public when they were commanded to stop by a police officer. Mr. Maggit did not stop, and the officer immediately informed Mr. Maggit that he was under arrest for trespassing. Mr. Maggit initially complied, but then fled from the officer. He was apprehended shortly thereafter and found to be in possession of a controlled substance. In a per curiam opinion, the Court of Appeals panel on which I sat held that there was no probable cause to make an arrest for trespassing. In addition, the panel rejected the notion that the arresting officer merely made a reasonable mistake of law when he arrested Mr. Maggit for trespassing. Finally, the panel held that the exclusionary rule should bar the use of unlawfully seized evidence at Mr. Maggit's criminal trial.

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3. *Bazzi v. Sentinel Ins. Co.*, 315 Mich. App. 763 (2016) (dissenting), *affirmed in part and reversed in part*, 502 Mich. 390 (2018)

This case involved the question of whether a third party who was innocent of fraud committed by an insured driver could, under Michigan's no-fault insurance law, receive statutorily mandated benefits even if the insured driver's no-fault policy was rescinded. The issue in this case concerned whether the Michigan

Supreme Court's decision in *Titan Ins. Co. v. Hyten*, 491 Mich. 547 (2012), abrogated the "innocent-third-party rule," as the rule had become known in this state's jurisprudence for several decades. The majority held that Mr. Bazzi, who was alleged to have been innocent of the fraudulent procurement of insurance perpetrated by the driver of the car in which he was riding at the time of his injuries, could not collect statutorily mandated automobile insurance benefits because the insurance policy under which he sought to collect should be rescinded because of the driver's fraud. In a dissenting opinion, I traced the history of the innocent-third-party rule and concluded that it survived the *Titan Ins. Co.* decision issued by the Michigan Supreme Court. My reasoning focused on the mandatory nature of the benefits at issue in the case as well as on principles of equity and the equitable nature of the remedy of rescission.

After granting leave to appeal, the Michigan Supreme Court held that, while the innocent third-party rule did not survive *Titan*, an insurer is not automatically entitled to the equitable remedy of rescission of an insurance contract in the event of fraud. The Michigan Supreme Court emphasized that, when an insurer seeks rescission, the trial court is required to balance the equities between the insurer and the innocent third party in order to determine whether the requested relief should issue.

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4. *People v. Root*, No. 331123, 2017 WL 3798495 (Mich. Ct. App. Aug. 31, 2017), *appeal denied*, 501 Mich. 1070 (2018)

Ms. Root had been tried and convicted of first-degree premeditated murder arising from the death of her landlord eight years before trial. We concluded that the trial court erroneously denied her motion to suppress portions of her videotaped statement to the police that were obtained in violation of her constitutional rights. We ruled that her statements were procured through what turned into a custodial interrogation without informing her of her *Miranda* rights, thus depriving her of her Fifth Amendment privilege against self-incrimination. We vacated Ms. Root's conviction and remanded for a new trial. The Michigan Supreme Court denied Ms. Root's application for leave to appeal. Ms. Root was retried without the tainted evidence and convicted of second-degree murder.

Counsel for Plaintiff-Appellee State of Michigan

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5. *AFT Michigan v. State* (On Remand), 315 Mich. App. 602 (2016); also *AFT Michigan v. State*, 297 Mich. App. 597 (2012)

The relevant issue in this case was the constitutionality of a 2010 amendment to Michigan's Public School Employees' Retirement Act that required all public school employees to contribute three percent of their salaries to the Michigan Public School Employees' Retirement System. The plaintiffs challenged the constitutionality of the amendment on various grounds. The trial court ruled in favor of the plaintiffs, concluding that the 2010 act violated the plaintiffs' rights under the Takings Clauses and the Due Process Clauses of the federal and state Constitutions, but that it did not violate the constitutional provisions barring the impairment of contracts by the state. On appeal, we held that the 2010 act violated the Takings Clauses and Due Process Clauses, but that it also violated the Contracts Clauses of the state and federal Constitutions by impairing employment contracts between public school employees and employer school districts. While the state's application for leave to appeal was pending in the Michigan Supreme Court, the state Legislature responded to this panel's decision by passing a 2012 act designed to correct the constitutional infirmities of the 2010 act, in part by allowing employees to opt out of certain retiree benefits and, therefore, to no longer be subject to the mandatory three percent reduction in their salaries. Shortly after issuing an opinion upholding the 2012 act against a constitutional challenge, the Michigan Supreme Court vacated our prior decision and remanded the matter to us for consideration in light of the 2012 act. On remand, we held, among other things, that the 2012 act did not render our previous constitutional analyses moot. We also held that during the period of mandatory contributions, i.e., between the effective date of the 2010 act and that of the 2012 act, the compulsory collection of three percent of employees' wages substantially and unconstitutionally impaired the employment contracts between employees and their educational employers. We remanded the matter and directed the trial court to return the funds collected during the mandatory contribution period to the relevant employees, with interest. Affirming our decision in part, the Michigan Supreme Court held that the 2010 act violated the Contract Clauses of the federal and state Constitutions for the reasons we had stated, and ordered that the funds collected during the mandatory period be returned to the plaintiffs in accordance with our decision.

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6. *People v. Malone*, No. 329989, 2016 WL 5853288 (Mich. Ct. App. Oct. 4, 2016), *appeal denied*, 500 Mich. 989 (2017)

Malone required us to decide whether an officer had reasonable articulable suspicion to call for a canine sniff of a car pulled over in a routine traffic stop for improperly tinted windows. Officers searching the car eventually found cocaine in a plastic bag in the engine's air filter. The trial court denied Mr. Malone's motion to suppress that evidence. Reviewing the trial court's decision, we observed that the officer who pulled defendant over testified at the suppression hearing that his intuition told him that something was "not right," but that he was never able to articulate what reasonable inferences he drew from the facts or what his experience and training allowed him to infer from what he saw. In addition, video from the officer's body camera, as well as his own testimony, clearly indicated that the officer decided to order a canine sniff because Mr. Malone refused to allow him to search the vehicle. We concluded that the totality of the circumstances did not rise to the level of reasonable suspicion supported by articulable facts, and reversed the trial court's ruling on the motion to suppress.

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7. *Doe v. Dep't of Corrections*, 312 Mich. App. 97 (2015) (concurring in part and dissenting in part), *vacated in part and leave denied in part*, 499 Mich. 886 (2016)

At issue in this case was whether the exclusion of prisoners from the scope of protections afforded by Michigan’s Elliott-Larsen Civil Rights Act (ELCRA) was constitutional. In a partial concurrence and dissent, I analyzed the Equal Protection Clause of the Michigan Constitution, Const. 1963, art. 1, § 2, and concluded that the exclusion of prisoners from the ELCRA was contrary to the state constitutional guarantee of equal protection. To that end, I concluded that the first sentence of art. 1, § 2 made clear that the mandatory legislation—which later became the ELCRA—to be enacted under art. 1, § 2 was to protect all persons, without exclusion.

On application for leave to appeal, the Michigan Supreme Court vacated the majority opinion on this issue. In a subsequent appeal arising from the same set of operative facts, a separate panel of the Michigan Court of Appeals expressly adopted my analysis regarding the equal protection violation occasioned by the ELCRA’s exclusion of prisoners from statutory civil rights protections. See *Does 11-18 v. Dep’t of Corrections*, 323 Mich. App. 479, 487–90 (2018).

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8. *People v. Lockridge*, 304 Mich. App. 612 (2014) (concurring)

This decision involved consideration of whether the judicial fact-finding permitted by Michigan's indeterminate sentencing scheme violated convicted defendants' due-process rights. Mr. Lockridge challenged his minimum sentence because it departed upward from the sentencing guidelines recommendation on the basis of judge-found facts. Bound by a Michigan Court of Appeals decision holding that the judicial fact-finding required by the Michigan indeterminate sentencing scheme did not violate the Sixth and Fourteenth Amendments of the Constitution, the panel affirmed the sentence. Although compelled to concur in the result, I explained in my concurrence why the Michigan case was wrongly decided and analyzed the relevant federal decisions addressing the limits of judicial fact-finding on sentencing. Of particular significance was *Alleyne v. United States*, 570 U.S. 99 (2013), which had been issued during the pendency of Mr. Lockridge's appeal. I concluded that we were bound by *Alleyne*, and that *Alleyne* rendered the judicial fact-finding required by Michigan's indeterminate sentencing scheme unconstitutional. As a remedy, I recommended making the Michigan sentencing guidelines advisory. The Michigan Supreme Court granted Mr. Lockridge's application for leave to appeal and concluded, as I had, that the federal decisions I analyzed applied to Michigan's sentencing guidelines and rendered the guidelines constitutionally infirm, and remedied the infirmity by making the sentencing guidelines advisory.

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9. *People v. Woolfolk*, 304 Mich. App. 450, 451 (2014), *affirmed*, 497 Mich. 23 (2014)

This case presented us with an issue of first impression regarding how to calculate age – whether Mr. Woolfolk, who shot and killed someone the day before his 18th

birthday and had been sentenced to life imprisonment without parole, was entitled to resentencing as a juvenile. We surveyed cases from jurisdictions that used the common-law age rule, cases from jurisdictions that used the birthday rule, and the rationale for the common-law rule, and thoroughly discussed relevant federal and state authorities on the issue, including the Michigan Constitution, Michigan Attorney General opinions, Michigan statutes and court rules, and Michigan caselaw. We concluded that the birthday rule of age calculation applies in Michigan, and held that Mr. Woolfolk was entitled to resentencing as a juvenile. Our decision was affirmed on appeal.

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10. *People v. Buie* (On Remand), 298 Mich. App. 50 (2012); also *People v. Buie* (After Remand), 291 Mich. App. 259 (2011); *People v. Buie*, 285 Mich. App. 401, (2009)

The central issue on appeal in this case was whether the use of interactive video technology at trial to present expert witness testimony had violated Mr. Buie's confrontation rights. We first remanded the matter to the trial court to determine whether the use of interactive video technology had been necessary to further a public policy or state interest important enough to outweigh Mr. Buie's confrontation rights. In an order denying leave to appeal our decision, the Michigan Supreme Court also ordered the trial court to make findings regarding good cause and consent to the video procedure, as required by our court rules. On remand, the trial court held an evidentiary hearing at which defense counsel testified that while she did not object to use of the technology, defendant expressed disagreement with its use and instructed her to object. Counsel further asserted that her statement at trial that Mr. Buie wanted to question "the veracity of these proceedings" constituted an objection to the use of video technology. The trial court concluded that there was no error in permitting the video procedure because, among other reasons, defendant had consented to the procedure. In a decision issued after remand, we concluded that defendant had not consented to the procedure, that the trial court erred by permitting the witnesses to testify by way of interactive video technology, and that the error required reversal. The Michigan Supreme Court reversed our decision, holding that when a decision by trial counsel constituted reasonable trial strategy, the right of confrontation could

be waived by defense counsel as long as the defendant did not object on the record. The Supreme Court explained that Mr. Buie's statement about wanting to question the veracity of the proceedings did not constitute an objection to the use of the technology, and concluded that he had waived his right to confrontation. The Supreme Court then remanded the matter to us for consideration of Mr. Buie's remaining issues on appeal. Finding that they lacked merit, we affirmed his convictions.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *People v. Johnson*, No. 351308, 2021 WL 1325360 (Mich. Ct. App. Apr. 8, 2021)

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2. *People v. Wiley*, 324 Mich. App. 130 (2018), *appeal denied*, 503 Mich. 929 (2018)

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3. *People v. Hyatt*, 316 Mich. App. 368 (2016) (majority and concurring)

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4. *Bazzi v. Sentinel Ins. Co.*, 315 Mich. App. 763 (2016) (dissenting)

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5. *People v. Root*, No. 331123, 2017 WL 3798495 (Mich. Ct. App. Aug. 31, 2017), *appeal denied*, 501 Mich. 1070 (2018)

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6. *Doe v. Dep't of Corrections*, 312 Mich. App. 97 (2015) (concurring in part and dissenting in part)

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7. *Whitman v. City of Burton (On Second Remand)*, 311 Mich. App. 315 (2015) (dissenting); also *Whitman v. City of Burton (On Remand)*, 305 Mich. App. 16 (2014) (dissenting) *Whitman v. City of Burton*, 293 Mich. App. 220 (2011) (dissenting)

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8. *People v. Lockridge*, 304 Mich. App. 278 (2014) (concurring)

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9. *Thomas M. Cooley Law Sch. v. Doe 1*, 300 Mich. App. 245 (2013)
(concurring in part and dissenting in part)

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10. *Slaughter v. Blarney Castle Oil Co.*, 281 Mich. App. 474 (2008)

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- e. Provide a list of all cases in which certiorari was requested or granted.

Certiorari has not been granted in any case over which I have presided. Certiorari was requested and denied in the following cases:

People v. Elatrache, No. 324918, 2016 WL 1578937 (Mich. Ct. App. Apr. 19, 2016), *appeal denied*, 500 Mich. 898 (2016), *cert. denied sub nom. Elatrache v. Jackson*, 2021 WL 2637880 (2021)

People v. Pennebaker, No. 335371, 2018 WL 521900 (Mich. Ct. App. Jan. 23, 2018), *appeal denied*, 499 Mich. 916 (2016), *cert. denied sub nom. Pennebraker, Danny R. v. Rewerts, Warden*, 2021 WL 2519367 (2021)

People v. Trowbridge, No. 300460, 2012 WL 4373407 (Mich. Ct. App. Sept. 25, 2012), *appeal denied*, 497 Mich. 1002 (2015), *cert. denied sub nom. Trowbridge v. Woods*, 2021 WL 1746328 (2021)

People v. Griffis, No. 320033, 2015 WL 2213711 (Mich. Ct. App. May 12, 2015), *appeal denied*, 499 Mich. 918 (2016), *cert. denied sub nom. Griffis v. Parish*, 2021 WL 1520907 (2021)

People v. Patten, No. 343798, 2019 WL 6173664 (Mich. Ct. App. Nov. 19, 2019), *appeal denied*, 505 Mich. 1043, *cert. denied sub nom. Patten v. Michigan*, 141 S. Ct. 1408 (2021)

People v. Pope, Nos. 306372, 308999, 2013 WL 5857775 (Mich. Ct. App. Oct. 31, 2013), *appeal denied*, 495 Mich. 1006 (2014), *cert. denied sub nom. Overton v. Macauley*, 141 S. Ct. 1405 (2021)

People v. Aguilar, No. 317215, 2014 WL 6602532 (Mich. Ct. App. Nov. 20, 2014), *appeal granted in part, cause remanded by* 499 Mich. 980 (2016), *cert. denied sub nom. Aguilar v. Chapman*, 141 S. Ct. 1278 (2021)

People v. Burnside, No. 309807, 2014 WL 1515265 (Mich. Ct. App. Apr. 17, 2014), *appeal denied*, 497 Mich. 889 (2014), *cert. denied sub nom. Burnside v. Rewerts*, 141 S. Ct. 1140 (2020)

People v. Smith, No. 286701, 2009 WL 3837414 (Mich. Ct. App. Nov. 17, 2009), *appeal denied*, 485 Mich. 1130 (2010), *cert. denied sub nom. Smith v. Nagy*, 141 S. Ct. 634 (2020)

People v. Clark, No. 332216, 2017 WL 2882546 (Mich. Ct. App. July 6, 2017), *vacated in part, appeal denied in part*, 498 Mich. 858 (2015), *cert. denied sub nom. Clark v. Lindsay*, 141 S. Ct. 165 (2020)

People v. Colbert, No. 319452, 2105 WL 1227657 (Mich. Ct. App. Mar. 17, 2015), *appeal denied*, 498 Mich. 886 (2015), *cert. denied sub nom. Colbert v. Burt*, 141 S. Ct. 352 (2020)

People v. Brown, No. 340767, 2019 WL 2146238 (Mich. Ct. App. May 16, 2019), *appeal denied*, 504 Mich. 998 (2019) *cert. den sub nom. Brown v. Michigan*, 140 S. Ct. 2578 (2020)

People v. Lor, Nos. 310090, 310097, 2014 WL 3784341 (Mich. Ct. App. July 31, 2014), *appeal denied*, 497 Mich. 982 (2015), *cert. denied sub nom. Lor v. Jackson*, 140 S. Ct. 269 (2019)

People v. Haney, No. 304248, 2012 WL 5258600 (Mich. Ct. App. Oct. 23, 2012), *appeal denied*, 493 Mich. 954 (2013), *cert. denied sum nom. Haney v. Jackson*, 140 S. Ct. 177 (2019)

People v. Jessie, Nos. 335736, 335738, 2018 WL 1936018 (Mich. Ct. App. Apr. 24, 2018), *appeal denied*, 503 Mich. 889 (2018), *cert. denied sub nom. Jessie v. Michigan*, 140 S. Ct. 174 (2019)

People v. Hyatt, 316 Mich. App. 368 (2016), *reversed in part and affirmed in part, People v. Skinner*, 502 Mich. 89 (2018), *cert. denied sub nom. Hyatt v. Michigan*, 139 S. Ct. 1543 (2019)

People v. Thompson, No. 305760, 2013 WL 276042 (Mich. Ct. App. Jan. 24, 2013), *appeal denied*, 494 Mich. 883 (2013), *cert. denied sub nom. Thompson v. Nagy*, 139 S. Ct. 1457 (2019)

People v. Anderson, No. 293574, 2010 WL 4226641 (Mich. Ct. App. Oct. 26, 2010), *appeal denied*, 489 Mich. 971 (2011), *cert. denied sub nom. Anderson v. Lesatz*, 139 S. Ct. 1454 (2019)

People v. Danielak, Nos. 305491, 305493, 2012 WL 6913789 (Mich. Ct. App. Nov. 20, 2012), *appeal denied*, 494 Mich. 852 (2013), *cert. denied sub nom. Danielak v. Brewer*, 139 S. Ct. 1267 (2019)

People v. Raisbeck, 312 Mich. App. 759 (2015), *appeal denied*, 499 Mich. 871 (2016), *cert. denied sub nom. Raisback v. Stewart*, 139 S. Ct. 601 (2018)

People v. Williams, No. 301384, 2013 WL 5629647 (Mich. Ct. App. Oct. 15, 2013), *appeal denied*, 497 Mich. 852 (2014), *cert. denied sub nom. Williams v. Campbell*, 139 S. Ct. 338 (2018)

People v. Kissner, No. 335602, 2018 WL 1020682 (Mich. Ct. App. Feb. 22, 2018), *appeal denied*, 502 Mich. 940 (2018), *cert. denied sub nom. Kissner v. Michigan*, 139 S. Ct. 572 (2018)

People v. Preston, No. 298796, 2012 WL 5853223 (Mich. Ct. App. Oct. 30, 2012), *appeal denied*, 493 Mich. 969 (2013), *cert. denied sub nom. Preston v. Smith*, 139 S. Ct. 431 (2018)

People v. Taylor, No. 320085, 2015 WL 5657380 (Mich. Ct. App. Sept. 24, 2015), *appeal denied*, 499 Mich. 871 (2016), *cert. denied sub nom. Taylor v. Jackson*, 139 S. Ct. 79 (2018)

People v. Zora, No. 296508, 2011 WL 2623384 (Mich. Ct. App. July 5, 2011), *appeal denied*, 491 Mich. 852 (2012), *cert. denied sub nom. Zora v. Winn*, 138 S. Ct. 2627 (2018)

People v. Abela, No. 307768, 2013 WL 5576155 (Mich. Ct. App. Oct. 10, 2013), *appeal denied*, 496 Mich. 863 (2014), *cert. denied sub nom. Abela v. Washington*, 138 S. Ct. 2582 (2018)

People v. Stewart, No. 313097, 2014 WL 1233946 (Mich. Ct. App. Mar. 25, 2014), *appeal denied*, 497 Mich. 882 (2014), *habeas corpus conditionally granted by Stewart v. Mackie*, 196 F. Supp. 3d 734 (2016), *reversed and remanded by Stewart v. Trierweiler*, 867 F. 3d 633 (2017), *on remand*, 2018 WL 3631986 (E.D. Mich., July 31, 2018), *cert. denied sub nom.*, 138 S. Ct. 1998 (2018)

People v. Perreault, No. 293324, 2011 WL 1901994 (Mich. Ct. App. May 19, 2011), *appeal denied*, 490 Mich. 911 (2011), *cert. denied sub nom. Perreault v. Stewart*, 138 S. Ct. 1299 (2018)

People v. Shaver, No. 300950, 2012 WL 6035519 (Mich. Ct. App. Dec. 4, 2012), *appeal denied*, 495 Mich. 920 (2014), *cert. denied sub nom. Shaver v. Klee*, 138 S. Ct. 744 (2018)

People v. Mann, No. 281673, 2009 WL 3465495 (Mich. Ct. App. Oct. 27, 2009), *appeal denied*, 486 Mich. 901 (2010), *cert. denied sub nom. Mann v. Bauman*, 138 S. Ct. 680 (2018)

Altobelli v. Hartmann, 307 Mich. App. 612 (2014), *reversed in part, vacated in part*, 499 Mich. 284, *cert denied*, 137 S. Ct. 979 (2016)

People v. McCoy, No. 318820, 2015 WL 774432 (Mich. Ct. App. Feb. 24, 2015), *appeal denied*, 498 Mich. 919 (2015), *cert. denied sub nom. McCoy v. Michigan*, 137 S. Ct. 184 (2016)

People v. Carroll, No. 317174, 2014 WL 5162476 (Mich. Ct. App. Oct. 14, 2014), *appeal denied*, 498 Mich. 884 (2015), *cert. denied sub nom. Carroll v. Michigan*, 136 S. Ct. 2513 (2016)

People v. Bachynski, No. 281550, 2009 WL 723600 (Mich. Ct. App. Mar. 19, 2009), *appeal denied*, 485 Mich. 892 (2009), and *cert. denied sub nom. Bachynski v. Stewart*, 136 S. Ct. 2026 (2016)

People v. Lockridge, 304 Mich. App. 278 (2013), *affirmed in part and reversed in part*, 498 Mich. 358 (2015), *cert. denied sub nom. Michigan v. Lockridge*, 577 U.S. 1043 (2015)

People v. Shivers, No. 305426, 2014 WL 310194 (Mich. Ct. App. Jan. 28, 2014), *appeal denied*, 496 Mich. 860 (2014), *cert. denied sub nom. Shivers v. Michigan*, 574 U.S. 941 (2014)

People v. Elliott, 295 Mich. App. 623 (2012), *reversed*, 494 Mich. 292 (2013), *cert denied sub nom. Elliot v. Michigan*, 571 U.S. 1077 (2013)

People v. Shou Yu Chen, No. 301153, 2012 WL 516062 (Mich. Ct. App. Feb. 16, 2012), *appeal denied*, 493 Mich. 866 (2012), *cert. denied sub nom. Chen v. Michigan*, 571 U.S. 973 (2013)

People v. Ballinger, No. 275752, 2008 WL 1006917 (Mich. Ct. App. Apr. 10, 2008), *appeal denied*, 482 Mich. 975 (2008), *cert. denied sub nom. Ballinger v. Prelesnik*, 570 U.S. 923 (2013)

Simpson v. JP Morgan Chase Bank, NA, No. 292955, 2010 WL 381853 (Mich. Ct. App. Sept. 30, 2010), *appeal denied*, 493 Mich. 871 (2012), *cert. denied sub nom.*, 569 U.S. 1026 (2013)

People v. Solernorona, No. 299269, 2012 WL 1521444 (Mich. Ct. App. May 1, 2012), *appeal denied*, 493 Mich. 896 (2012), *cert. denied sub nom. Solernorona v. Michigan*, 569 U.S. 951 (2013)

In re Sorrell, No. 295642, 2010 WL 371309 (Mich. Ct. App. Sept. 23, 2010), *appeal denied*, 488 Mich. 903 (2010), *cert. denied sub nom. Sorrell v. Michigan Dept. of Human Services*, 562 U.S. 1292 (2011)

Hudson v. Lorence, No. 291714, 2010 WL 3719315 (Mich. Ct. App. Sept. 23, 2010), *appeal denied*, 489 Mich. 897 (2011), *cert. denied sub nom.*, 565 U.S. 1021 (2011)

People v. Jenkins, No. 293668, 2010 WL 4493514 (Mich. Ct. App. Nov. 9, 2010), *appeal denied*, 489 Mich. 862 (2011), *cert. denied sub nom. Jenkins v. Michigan*, 565 U.S. 835 (2011)

People v. Carter, No. 290493, 2010 WL 1979442 (Mich. Ct. App. May 18, 2010), *appeal denied*, 499 Mich. 913 (2010), *cert. denied sub nom. Carter v. Michigan*, 563 U.S. 908 (2011)

People v. Charles, No. 283452, 2009 WL 608404 (Mich. Ct. App. Mar. 10, 2009), *appeal denied*, 484 Mich. 872 (2009), *cert. denied sub nom. Charles v. Michigan*, 558 U.S. 1155 (2010)

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

A summary of and citations for all opinions that I either wrote or approved of as a panel member that were reversed by a reviewing court or where our judgment was affirmed with significant criticism of our substantive or procedural rulings is attached.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

Approximately 3,723 opinions, representing 91% of the opinions issued by my panels, have been unpublished. These opinions are available on Westlaw and Lexis. They can also be found online at https://courts.michigan.gov/opinions_orders/opinions_orders/pages/default.aspx#PartyName.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

People v. Simmons (dissenting), ___ Mich. App. __; No. 349547, 2021 WL 2753235 (Mich. Ct. App. July 1, 2021)

People v. Johnson, __ Mich. App. __; No. 351308, 2021 WL 1325360 (Mich. Ct. App. Apr. 8, 2021)

People v. Wiley, 324 Mich. App. 130 (2018), *appeal denied*, 503 Mich. 929 (2018)

People v. Hyatt (majority and concurring), 316 Mich. App. 368 (2016), *affirmed in part and reversed in part*, 502 Mich. 89 (2018), *cert. denied by Hyatt v. Michigan*, 139 S. Ct. 1543 (2019)

John Doe 1 v. Dep't of Corrections (concurring in part and dissenting in part), 312 Mich. App. 97 (2015), *vacated in part and leave denied in part*, 499 Mich. 886 (2016)

Associated Builders and Contractors v. City of Lansing, 305 Mich. App. 395; (2014), *affirmed in part and vacated in part*, 499 Mich. 177 (2016)

People v. Lockridge, (concurring), 304 Mich. App. 278 (2014), *affirmed in part and reversed in part*, 498 Mich. 358 (2015), *certiorari denied by Michigan v. Lockridge*, 577 U.S. 1043 (2015)

Thomas M. Cooley Law School v. John Doe 1 (concurring in part and dissenting in part), 300 Mich. App. 245 (2013)

People v. Cortez (dissenting), 299 Mich. App. 679 (2013), *appeal denied*, 495 Mich. 871 (2013)

People v. Elliott, 295 Mich. App. 623 (2012), *reversed*, 494 Mich. 292 (2013), *cert. denied by Elliot v. Michigan*, 571 U.S. 1077 (2013)

Blue Harvest, Inc. v. Dep't of Treasury (concurring), 288 Mich. App. 267 (2010), *appeal denied*, 488 Mich. 900 (2010)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant

or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I base my decisions with respect to recusal on Michigan Court Rule 2.003 and the Michigan Code of Judicial Conduct, adopted October 1, 1974. The Court of Appeals maintains a conflict of interest database and I add to it as necessary. The judges are also periodically asked to review the list to ensure that it is up-to-date and complete. This database has proven to be a very successful tool, and only a couple of cases have been inadvertently assigned to me in contravention to the conflicts database, and were immediately reassigned. I have never been the subject of a recusal motion.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

With the exception of my own campaign in 2006, I have never held office in any political party or for any election committee. While I was in private practice in Grand Rapids I recall that I was identified on event advertisements as one of a number of "hosts" for fundraisers in Grand Rapids for various political candidates, such as Former Governor Jennifer Granholm, Senator Debbie Stabenow, and State Representative Michael Sak. I hosted a fundraiser for Michael Sak at my home when he ran for re-election in the summer of 2005. This all occurred before I was appointed to the Michigan Court of Appeals in 2007. I have paid dues to be a member of the Kent County Democratic Party and the Michigan Democratic party over various years, although I have not been active in either one.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I never practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

McDermott, Will & Emery
444 West Lake Street
Chicago, Illinois 60606
Summer Associate (1989)
Associate (1990 – 1992)

Buchanan & Bos, PC
300 Ottawa Avenue, Northwest, Suite 800
Grand Rapids, Michigan 49503
Summer Associate (1988)
Associate (1992 – 1995)

Buchanan, Silver & Beckering, PLLC,
300 Ottawa Avenue, Northwest, Suite 800
Grand Rapids, Michigan 40503
Member/Partner (1995 – 2000)

Buchanan & Beckering, PLLC,
171 Monroe Avenue, Northwest, Suite 750
Grand Rapids, Michigan 49503
Member/Partner (2000 – 2007)

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator. Prior to becoming a judge in 2007, I served as an occasional Kent County Circuit Court case evaluator and “Blue Ribbon Panel” evaluator, pursuant to Michigan Court Rule 2.403.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

My law practice concentrated on complex civil litigation. While at McDermott, Will & Emery from 1990 to 1992, I handled primarily multi-state commercial litigation, but during my time as a summer associate I also rotated through the tax and corporate and securities law departments. While at Buchanan & Bos, PC from 1992 to 1995, I handled a wide variety of litigation including ordinary negligence, third-party no-fault litigation, wrongful death, medical negligence, business litigation, product liability defense, multi-district litigation, and environmental insurance litigation. In the mid-1990s I accepted a couple of criminal assignments in state court and a pro bono 42 U.S.C. § 1983 prisoner civil rights action in federal court. While at Buchanan, Silver & Beckering, PLLC from 1995 to 2000, I focused my practice primarily in the area of medical negligence, catastrophic personal injury, and wrongful death. Likewise, while at Buchanan & Beckering, PLLC from 2000 to 2007, I focused my practice primarily in the area of medical negligence, catastrophic personal injury, and wrongful death.

Since 2007 I have served as a state appellate judge.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

From 1990 to 1992, my clients were typically large corporations. From 1992 to 2007, my clients were typically individuals (or the personal representative of an estate) who had suffered catastrophic personal injury or death due to medical negligence or other forms of negligence. I also represented a few companies in product liability defense matters prior to tort reform legislation in 1996, which changed the landscape of that area of law in Michigan. My niche by the time I left private practice had primarily been medical negligence for the prior 15 years.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

One hundred percent of my law practice was in litigation. I appeared in court regularly.

- i. Indicate the percentage of your practice in:

- | | |
|----------------------------|-------------------|
| 1. federal courts: | 5% (approximate) |
| 2. state courts of record: | 95% (approximate) |

- 3. other courts: 0%
- 4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 99%
- 2. criminal proceedings: 1%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried three cases to verdict, two of which lasted approximately two weeks and the third lasted approximately one week. In two of the trials, I was the sole counsel for my client. In the third trial, I would be considered the second chair, although I handled a number of the direct and cross examinations and managed most of the lay witnesses. I represented the plaintiffs in two trials and the defendant corporation in the third trial. One case was a medical negligence claim, one was a negligence and nuisance claim, and one was a product liability claim.

A fourth case settled mid-trial, and in that case I was co-counsel. The case settled when the opposing party agreed to pay our settlement demand figure as I was wrapping up my opening statement.

- i. What percentage of these trials were:
 - 1. jury: 100%
 - 2. non-jury: 0%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Bernott v. Spectrum Health Hospitals et al.*, Kent County Probate Court, Judge David Murkowski, Ct. Case No. 06-182445; 2005 – 2007.

I represented Mr. and Mrs. Bernott in a medical negligence case. I was lead counsel. Mrs. Bernott underwent an elective rotator cuff repair surgery and suffered severe hypoxic brain injury in the process, leaving her permanently disabled and requiring 24-hour care for the rest of her life. The anesthesia team was using a new piece of anesthesia equipment that it was not properly trained to use, and it failed to heed repeated audible and visible warnings that the machine was malfunctioning and not delivering sufficient oxygen to the sedated patient. Mrs. Bernott suffered cardiac arrest due to oxygen deprivation and had to be resuscitated. The planned surgical procedure on Mrs. Bernott's shoulder was aborted. Defendants required plaintiffs to file a Notice of Intent to File Claim and retain affidavits from a team of medical experts from around the country in order to prove malpractice and proximate cause. After years of preparation and pre-suit discussions, the case was submitted for facilitative mediation and settled for a confidential amount, which was approved by the probate court.

Counsel for Defendant

John C. O'Loughlin
Smith Haughey Rice & Roegge
100 Monroe Center, Northwest
Grand Rapids, MI 49503
(616) 774-8000

2. *Steck v. Cowden, M.D., et al.*, 17th Circuit Court, Kent County, Hon. Mark A. Trusock, Case No. 06-05520, 2005 – 2007 (approximately).

I represented Mr. and Mrs. Steck in a medical negligence action. I was lead counsel. Following cataract surgery, the defendant doctor neglected to document the fact that he had accidentally torn a hole in the posterior chamber of Mr. Steck's eye, increasing the risk of a post-operative retinal detachment. When signs and symptoms of a retinal detachment later developed, defendant doctor chose to assume that Mr. Steck's problems were probably due to leftover particles of cataract he left in the eye. Mr. Steck returned multiple times to defendant doctor with increasing concerns as to why his vision was getting worse, and defendant doctor wrongly reassured him that his vision would clear after the performance of a laser procedure designed to remove leftover cataract fragments. That surgery failed to improve the situation, yet defendant doctor advised Mr. Steck to be patient and let the swelling resolve. Defendant doctor continued to minimize the situation, prompting Mr. Steck to demand that his vision loss be evaluated, wherein he was told that defendant doctor would not be available for a couple of days. When defendant doctor finally dilated Mr. Steck's eye and examined the retina, it was fully detached and heavily scarred due to the extended lack of vascular supply. The defendant doctor's negligence caused Mr. Steck to become permanently blind in one eye, and his eye eventually had to be excised. I filed suit, pursued discovery, underwent case evaluation, and the case settled for a confidential amount before trial.

Counsel for Defendant

Dolores Sears-Ewald
Aardema, Whitelaw & Sears-Ewald, PLLC (now defunct)
24601 250th Avenue, Southeast
Maple Valley, WA 98038
(253) 697-3336

3. *Clay v. Hackley Hospital et al.*, 14th Judicial Circuit Court, Muskegon County, Hon. James M. Graves, Jr., Court Case No. 05-43666-NH; 2002 – 2006 (approximately).

I represented Mrs. Clay, as Next Friend for her minor son in a medical negligence lawsuit. I was lead counsel. During Mrs. Clay's labor and delivery of her son at defendant hospital on September 9, 2002, her son endured persistent and severe episodes of hypoxia for such an extended period of time that he sustained permanent and debilitating brain injuries due to hypoxic ischemic encephalopathy. He is severely disabled and requires 24-hour care. Plaintiffs alleged that defendants were negligent in failing to properly respond when fetal monitoring strips revealed a need to timely deliver the child. Defendants alleged that they acted in accordance with the standard of care. After several years of litigation, the case settled for a confidential amount through facilitative mediation and was approved by the trial court.

Counsel for Defendants

Mark E. Fatum
Rhoades, Mckee, PC,
55 Campau Avenue, Northwest, Suite 300
Grand Rapids, MI 49503
(616) 235-3500

William M. Newman, (formerly with Lague, Newman & Irish)
3854 Applewood Lane
Muskegon, MI 49441
(231) 780-4042

Ralph F. Valitutti, Jr.,
Kitch, Drutchas Wagner Valitutti & Sherbrook
Town Square Development
10 South Main Street, Suite 200
Mt. Clemens, MI 48043-7908
(586) 493-4431

4. *Bartolome v. Johnson et al.*, 17th Circuit Court, Kent County, Hon. Donald A. Johnston, Case No. 02-12241-NH; 2001 – 2005 (approximately).

I represented Mr. and Mrs. Bartolome in a medical negligence lawsuit. I was sole counsel. Mrs. Bartolome underwent surgery on August 1, 2000, for the purpose of

removing a benign goiter (enlarged thyroid gland) from her neck. Plaintiffs alleged that the defendant surgeon and his resident committed malpractice when they injured Mrs. Bartolome's left and right recurrent laryngeal nerves during surgery, which caused permanent paralysis of both of her vocal cords, leaving her with severely restricted breathing abilities and a compromised voice. The defendants contended that the surgery was performed correctly and the adverse outcome was a known risk. The case proceeded to trial and the jury returned a verdict of \$1.6 million for the plaintiffs.

Counsel for Defendant

Richard G. Leonard (retired)
Rhoades, McKee, P.C.
55 Campau Avenue, Northwest, Suite 300
Grand Rapids, MI 49503
(616) 235-3500

5. *Mulholland v. Patton, D.O., et al.*, 8th Judicial Circuit Court, Montcalm County, Hon. Charles H. Miel, Court Case No. 02-M-1280; 2001 – 2005 (approximately).

I represented the Estate of Mr. Mulholland in a wrongful death action. I was lead counsel. Mr. Mulholland experienced an onset of atrial fibrillation and presented to Carson City Hospital for evaluation and treatment. Internal medicine physician Dr. Patton elected to perform a cardioversion. Mr. Mulholland died during the cardioversion procedure. Plaintiff alleged that the doctor made three critical mistakes in conducting the cardioversion procedure: 1) rather than have Mr. Mulholland fast for at least six to eight hours as required for a procedure done under conscious sedation, the doctor ordered a 2,200 calorie per day diet, and Mr. Mulholland was fed both lunch and dinner; 2) rather than use at least 1,000 joules of electrical energy for the cardioversion as was explicitly required by medical literature, the doctor chose to experiment with less than one-third the minimum level; and 3) when the first shock failed to correct Mr. Mulholland's atrial rhythm, the doctor and hospital staff forgot to ensure that the cardioversion machine was re-set in order to synchronize the electrical shock with Mr. Mulholland's heartbeat, and consequently, he was shocked at the wrong time, jarring his heart into ventricular fibrillation, a deadly arrhythmia. Resuscitation efforts were complicated by the fact that Mr. Mulholland, unconscious for the procedure, vomited the dinner he had been fed, clogging the endotracheal tube that was mistakenly thrust into his esophagus instead of his trachea. Due to Mr. Mulholland's death, his family ultimately lost their 320-acre family dairy farm. Defendants alleged that they acted within the standard of care. After several years of litigation and within approximately a week of the scheduled trial, the case settled for a confidential amount and the settlement was approved by the trial court.

Counsel for Defendant

Robert M. Wyngaarden
Johnson & Wyngaarden, P.C.
3445 Woods Edge Drive
Okemos, MI 48864
(616) 349-3200

6. *Ter Haar v. Spectrum Health—Blodgett Campus et al.*, 17th Circuit Court, Kent County, Hon. Dennis B. Leiber, Case No. 02-07378-NH; 2002 – 2004 (approximately).

I represented the Estate of Mr. Ter Haar in a wrongful death action. I was lead counsel. Mr. Ter Haar experienced the sudden onset of excruciatingly severe chest, back, and flank pain. He presented to defendant's emergency department for diagnosis. He was administered morphine and a "GI cocktail" and sent home with a misdiagnosis of possible dehydration and muscle spasms. Further care inquiries by him were met with reassurance by his medical treaters. In fact, Mr. Ter Haar was suffering from an aortic dissection. He later died due to the missed diagnosis. I filed a lawsuit and conducted discovery. The case proceeded through case evaluation and settled for a confidential sum before trial, which was approved by the trial court.

Counsel for Defendant:

John C. O'Loughlin
Smith, Haughey, Rice & Roegge
100 Monroe Center Street, Northwest
Grand Rapids, MI 49503
(616) 774-8000

7. *Johnson v. Myers, O.D., et al.*, 28th Circuit Court, Wexford County, Hon. Charles O. Corwin, Case No. 02-16700-NH; 2000 – 2002 (approximately).

I represented Mr. and Mrs. Johnson in a medical negligence action. I was lead counsel. Mr. Myers was a highly regarded custom home builder. He treated with the defendant eye doctor for ten years, during which time he developed open-angle glaucoma, which entails a gradual increase in intraocular pressure that will progressively damage the optic nerve unless medically managed. Defendant doctor ignored increasing signs and symptoms of Mr. Johnson's glaucoma, persistently misdiagnosing him with keratoconus. His misdiagnosis occurred over the course of 46 visits, eventually leading to Mr. Johnson becoming 90% peripherally blind in his right eye and 95% peripherally blind in his left eye. He was expected to be totally blind within ten years due to the missed diagnosis. I filed suit, conducted discovery, and the case proceeded to facilitative mediation. It settled for a confidential sum before trial.

Counsel for Defendant:

Susan Artinian (retired)
Dykema
400 Renaissance Center
Detroit, MI 48243
(313) 568-6800

8. *Rahn v. Grove, M.D., et al.*, 17th Circuit Court, Kent County, Hon. Dennis C. Kolenda, Case No. 98-05264; 1997 – 1999 (approximately).

I represented the Estate of Mr. Rahn in a wrongful death action. I was primary counsel. Mr. Rahn, who had a significant family history of coronary artery disease, began to experience increasingly concerning chest pains and was referred to defendant doctor. Despite an abnormal stress thallium test, during which Mr. Rahn experienced chest discomfort, defendant doctor was dismissive and deemed follow-up at the time unnecessary. Mr. Rahn continued to encounter chest pains multiple times a day, repeatedly sought further medical evaluation, and was referred back to defendant doctor, who was again dismissive. After seven months of consistently seeking evaluation and diagnosis of his chest pains, Mr. Rahn died of a heart attack due to his untreated coronary artery disease. I filed suit, pursued discovery, and discovered that a key witness in defendant's office had lied multiple times in her deposition on both material and insubstantial matters. Her conduct played an important role in Mr. Rahn's lack of treatment. The case settled for a confidential amount and was approved by the trial court.

Counsel for Defendant

Richard K. Grover
Hackney & Grover
0-155 Par 5 Drive
Grandville, MI 49418
(616) 667-9778

9. *Knox v. Reggae Sunsplash et al.*, 17th Circuit Court, Hon. Donald A. Johnston, Case No. 93-82682, 1992 – 1996 (approximately).

I was co-counsel in this wrongful death action. Ms. Knox was walking back to her car after attending a concert in the park where unfettered alcohol consumption was condoned and encouraged by the event planners and their retained security personnel, leading to a drunk driving drag race between two attendees, one of whom struck and killed pedestrians Ms. Knox and her friend, catapulting them into the air and killing them instantly. The case was pursued under negligence and nuisance theories. We took the case to trial and received a \$750,000 jury verdict in favor of plaintiff.

Counsel for Defendant Taylor-Cline

Richard A. Marvin
Marvin & Associates
4608 Plainfield Avenue, Northeast
Grand Rapids, MI 49525
(616) 447-1664

Counsel for Defendant Reggae Sunsplash

James J. Phillips
916 Washington Avenue
Bay City, MI 48708
(989) 892-1888

Counsel for Defendant Kent County

Kevin A. Rynbrandt
Varnum, Riddering, Schmidt & Howlett
(Now with Rynbrandt & Associates)
1000 Front Street, Northwest
Grand Rapids, MI 49504
(616) 915-9266

10. *Moon v. Vermont American*, 36th Judicial Circuit Court, Van Buren County, Hon. William C. Buhl, Case No. 1993-0380057; 1994.

This case was referred to me before trial by McDermott, Will & Emery, and I served as sole trial counsel. I defended Vermont American in a product liability lawsuit. The plaintiff sued Vermont American for personal injuries, contending that when he used one of Vermont American's steel cutting blades, the blade fractured into pieces and severed the top of his foot, resulting in a permanent limp. Vermont American maintained that the product was not defective; rather, plaintiff misused the blade. The jury returned a verdict of no cause of action.

Counsel for Plaintiff:

Kevin Haight (as best I can recall, or Bruce Conybeare)
Conybeare Law Office
519 Main Street
St. Joseph, MI 49085
(269) 983-0561

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to the cases I work on as a judge, I serve as an Administrative Judge in District III, Chief Judge Pro Tempore, and Chair of the Attorney Education and Development Committee. I also served for ten years on the Michigan Model Civil Jury Instructions Committee, and I am a co-editor and chapter author of *Michigan Civil Procedure*, published by the Institute of Continuing Legal Education.

As an attorney in private practice, I handled all aspects of the litigation process and amicably resolved just before trial dozens of significant, complex medical negligence and wrongful death claims on behalf of my clients. All of my medical negligence cases required the retention of highly qualified medical experts and the taking of depositions of all defense medical experts, which requiring intensive medical research and evaluation of the applicable standards of care associated with all relevant areas of medical specialty. In addition to the cases I pursued, I also spent time vetting potential claims. In the matters I

investigated and chose not to pursue, which were more than 95% of the potential new clients who sought consultation with my firm, I took the time necessary to explain our medical and legal findings so people would understand the process and have comfort in the decision being made, as there is a difference between medical malpractice and merely an untoward, unexpected result. One significant contribution toward ensuring that our law firm provided exceptional legal services and pursued only meritorious cases was our hiring of a retired Mayo Clinic trained physician on staff. He assisted us in screening cases, finding highly qualified medical experts, and understanding the medicine so we could effectively cross-examine defense medical experts and present the cases in an accessible way to juries.

I have not performed any lobbying activities or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. Potential Conflicts of Interest:

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would transfer my existing conflicts list from the Michigan Court of Appeals to the United States District Court for the Western District of Michigan. My conflicts list is small, and includes my brother, Robert J. Buchanan, who is a lawyer in private practice, although his cases are primarily filed in state courts. My husband is currently an Assistant United States Attorney in the district to which I have been nominated, but he has indicated that he would leave the office within a matter of months and pursue other employment opportunities so that he does not work at an office whose attorneys appear before me.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would resolve any potential conflict of interest by consulting 28 U.S.C. § 455, the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, and other relevant materials. If necessary, I would also consult with an ethics specialist.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

While in private practice, I was appointed by the United States District Court for the Western District of Michigan to serve as pro bono counsel for an incarcerated plaintiff who brought a civil action for deprivation of his rights under 42 U.S.C. § 1983. I also handled two appointed indigent criminal defense cases in the Kent County Circuit Court, although these may have paid nominal fees. I served as a member of the Board of Directors for Migrant Legal Aid for seven years, including as an officer. I served on the Grand Rapids Bar Association's Pro Bono Committee for two years and the Legal Assistance Center Committee for two years. I volunteered for the Young Lawyers Section "Horn-of-Plenty" food and clothing drive, and read weekly for a period of time for Sight Seer, a non-profit radio program for people who are blind, visually impaired, or physically unable to hold or read print material. I volunteered at several bike helmet giveaway events for the Michigan Association for Justice (formerly MTLA). I have provided volunteer services at God's Kitchen Food Distribution Center, Habitat for Humanity, the "Ask a Lawyer" Law Day program, and other public service events through my work, church, and other organizational involvements.

As a judge, I am unable to perform legal services, pro bono or otherwise. I am currently a Fellow of the Michigan State Bar Foundation and the Justice Foundation of West Michigan (the charitable arm of the Grand Rapids Bar Association). I also participate whenever possible in the annual YWCA fundraiser in West Michigan entailing a charity softball game between the area judges and the Women Lawyers Association. Outside the legal arena, I have volunteered for Family Promise of Grand Rapids, which partners with families who are homeless or at risk of becoming homeless by helping them get back on their feet so they can enjoy a stable lifestyle for themselves and their children. My family has also participated in an Adopt-a-Family at Christmas program.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In July 2017, Senators Debbie Stabenow and Gary Peters issued a press release indicating that they were accepting applications from candidates interested in nomination for a federal judgeship. I submitted my application on July 27, 2017. I interviewed with the Western District Judicial Advisory Committee on November 29, 2017. On February 16, 2018, I interviewed with the White House Counsel's Office.

In January 2021, Senators Debbie Stabenow and Gary Peters issued a press release indicating that they were accepting applications from candidates interested in nomination for a federal judgeship. I submitted my application on January 30, 2021. I interviewed with the Western District Judicial Nominations Committee on March 16, 2021. I was contacted by my senators on April 17 and 19, 2021, regarding my name being forwarded to the White House Counsel's Office. I interviewed with attorneys from the White House Counsel's Office on April 21, 2021, and was contacted by that office on April 23, 2021, and advised that I had been selected for Justice Department vetting. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 13, 2021, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.