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Please Respond to Lansing Office

June 9, 2022

Re: Susan DeClercq Judicial Nomination

To Whom It May Concern:

I am writing this letter with my full support for the nomination of Susan DeClercq for United States District Court judicial position. I have known Ms. DeClercq professionally due to my representation of a client in a lawsuit against the United States Government, *Estate of Clarence Barrien v. United States*. Ms. DeClercq was the U.S. District Attorney that was representing the United States in the litigation. Based upon my experience with her, I believe that Ms. DeClercq has the intelligence, legal capabilities, and a tremendous temperament that make her a perfect candidate. I will elaborate on my opinions further below.

The matter that I litigated against Ms. DeClercq was a very long complex case that involved extensive expert witness opinions in the fields of engineering, biomechanics, medicine, and economics. Her actions in that case demonstrated that she is as skilled as any defense attorney I have ever litigated against in my 21 years as a trial lawyer. The myriad of facts in the case was shrouded by a convoluted legal issue as well and Ms. DeClercq was able to ultimately obtain a favorable decision in the Court of Appeals after trial on this matter based upon discovery that she had done during the pendency of the litigation. Ms. DeClercq had command of the facts, knowledge of the laws at issue, and, just as important, she knew the Rules of Evidence inside and out. Although I ultimately lost, it was a very hard-fought case that involved numerous depositions and extensive discovery, which resulted in a trial and ultimately an appeal. I learned during that litigation that Ms. DeClercq's legal abilities were second to none in terms of all the defense attorneys I've ever litigated against, including some of the largest law firms in

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the United States. However, despite her tremendous legal abilities, there is more to her that would make Ms. DeClercq a tremendous judicial candidate.

Ms. DeClercq has a very even-keeled and unflappable temperament, which I believe is a necessary asset for our judiciary. One of the things that many defense attorneys in private practice forget is that there are human elements surrounding the litigation in every case. In our matter, I was representing the family who had lost a loved one, and that heavy element was never lost on Ms. DeClercq even though she was the defense attorney. She continuously remained sensitive to the subject and though she zealously represented the United States Government, she never acted in a way that was disrespectful to the Estate and the deceased, which often occurs when dealing with the defense attorneys in private practice. There were many points of contention in this case concerning factual disputes, the actions of my deceased client, evidentiary issues, and legal questions, and Ms. DeClercq demonstrated a temperament that, in my opinion, all attorneys and, in particular, the judiciary should have. She exemplifies what it means for lawyers to conduct themselves in a professional manner but to remain a zealous and fair advocate. There were multiple times when this case very well could have gotten extraordinarily heated resulting in vexatious motions and vengeful gamesmanship. But Ms. DeClercq's demeanor was composed and unflappable. She took a very practical approach to solving evidentiary and discovery issues with me which I believe she would bring to the bench.

Throughout this extensive litigation that went on for years, Ms. DeClercq was level-headed and measured while remaining very dedicated to the defense. However, she did so in a way, even during settlement negotiations, that were respectful to the Estate, keeping in mind that a human being had lost their life in a situation that gave rise to this litigation. Oftentimes it is easy for defense attorneys to forget that a family has lost a loved one when conducting settlement negotiations and quickly pointing the finger at the deceased. But in all of her dealings with the Estate throughout discovery and settlement negotiations, she remained courteous and cognizant over the fact that a family was still grieving for their loss. It is rare to find that awareness from your opponent during extensive litigation. I firmly believe that DeClercq's temperament is a perfect fit for the Eastern District of Michigan. She is calm and personable but firm in her convictions, and I believe that litigants would feel heard and respected in her courtroom. At the same time, I believe that attorneys would find professionalism from the bench backed by considerable work ethic which they would find refreshing. Ms. DeClercq's working knowledge of the law and Rules and Evidence, as well as her practical experience as a litigator, will provide an element of respect for the judiciary from the attorneys who will be litigating in her courtroom. Oftentimes as litigators we find that individuals who receive judicial appointments often do not possess a working knowledge of the law or the Rules of Evidence that make them effective jurists. This often

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causes the attorneys to suffer a lack of respect for the bench. I firmly believe that with Ms. DeClercq's temperament combined with her legal abilities that the bar would have tremendous respect for her.

In closing, I fully support and recommend Susan DeClercq to be appointed to the Eastern District of Michigan. I think she would be a tremendous asset to the bench. I think she would be a stabilizing force within the legal community for years to come and continue to add to the credibility of the Eastern District of Michigan. I am happy to elaborate on this and answer any questions.

If I had to lose to anybody in litigation, I'm glad it was Ms. DeClercq.

Very truly yours,

SINAS DRAMIS LAW FIRM



Kevin Z. Komar

KZk/eae