

STATE OF MICHIGAN
IN THE SUPREME COURT
On Review of
the Judicial Tenure Commission

COMPLAINT AGAINST:

Hon. Theresa M. Brennan
53rd District Court
Brighton, MI 48116,

S Ct Docket No. 157930
JTC Formal Complaint No. 99

Respondent.

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**RESPONDENT'S PETITION TO REJECT TENURE
COMMISSION'S RECOMMENDATION OF DISCIPLINE**

NOW COMES the Honorable Theresa M. Brennan, Respondent herein, in her proper person and by and through her attorneys, the law firm of Dickinson Wright PLLC, and prays this Honorable Court reject for the following reasons the recommendation issued by the Judicial Tenure Commission (the "Commission" or the "JTC") on April 8, 2019, and filed by it with this Court on April 11, 2019, that she be removed from office:

1. Said recommendation was and is irreparably tainted by the JTC's very public prejudgment of this matter and by its refusal to recuse itself from the matter until reconstituted pursuant to MCR 9.202(C)(1)(a) and (C)(2) to cleanse the recommendation of said taint.

2. Said recommendation was also irreparably tainted by the JTC's minimizing the very real prospect that some or all of its claims of misconduct by Judge Brennan and some of the most significant proofs in support of those claims were and are the product of lingering sexism.

3. The JTC erred in finding that Judge Brennan had a disqualifying and disclosable very close, personal relationship while the case of *People v Kowalski*, 44th Circuit Court Case No. 08-17643-FC, was pending before her with a Michigan State Police detective involved in the case. Nor did Judge Brennan pre-judge *Kowalski*.

4. The JTC erred in finding that Judge Brennan had failed to properly disclose or otherwise handle her friendship with Ms. Shari Pollesch, Esq., when she or any other member of her firm appeared before Judge Brennan.

5. The JTC erred in finding that Judge Brennan had tampered with evidence in violation of MCL 750.483a(5)(a). The undisputed, stipulated proofs at the public hearing were to the contrary.

6. The JTC erred in finding that Judge Brennan had made any knowingly or deliberately false statements in rulings in cases before her, to the JTC, or before the Master. Some statements were incorrect or imprecise at worst.

7. The JTC erred in finding that Judge Brennan was persistently impatient, undignified and discourteous to any of the attorneys who appeared before her. She was, instead, insistent that they follow the Michigan Court Rules, be timely and be prepared.

8. The JTC erroneously read remand instructions by the Court of Appeals as finding misconduct by Judge Brennan in the treatment of an attorney and, then, improperly substituted that supposed finding for the independent assessment required of it.

9. The JTC erred in finding that Judge Brennan had violated MCL 169.257(1). That statute is inapplicable to her and to her conduct for multiple reasons.

10. The JTC erred in finding that Judge Brennan had required her courthouse staff to assist her with personal tasks or otherwise improperly accepted such assistance from her staff. Her staff did assist with personal tasks, but the assistance was voluntary and did not impair performance of their official duties, except in one instance when a staff member, not Judge Brennan, engaged in fraudulent conduct unknown to the Judge.

11. Finally, the JTC erred in finding that Judge Brennan had improperly interrupted two depositions which she attended in her own divorce case. She did interrupt two deposition, but the interruptions were de minimis, did not interfere or impair those deposition, and did not violate any court rule or law.

This petition is accompanied by the brief required by MCR 9.224(A)(1)(d), and that brief contains specific references to the record and supporting law and argument, which are all adopted by reference as if fully stated herein.

I declare that the statements above are true to the best of my information, knowledge and belief.

/s/ Theresa M. Brennan
Theresa M. Brennan, Respondent

Respectfully submitted,

By: /s/ Dennis C. Kolenda
Dennis C. Kolenda, Esq. (P16129)

Dated: May 9, 2019

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