

MICHIGAN SUPREME COURT



Office of Public Information

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FOR IMMEDIATE RELEASE

Ethics charges against Wayne County judge to be heard by Michigan Supreme Court in oral arguments this week

LANSING, MI, April 8, 2013 – A Wayne County judge accused of signing her divorce lawyer’s name to legal documents without the lawyer’s permission will have her case heard by the Michigan Supreme Court in oral arguments this week.

The Judicial Tenure Commission, which investigates and prosecutes ethics violations by judges, concluded that Wayne County Circuit Judge Deborah Ross Adams “could not possibly believe she had” her attorney’s permission to sign legal documents using the attorney’s name. The JTC found that Ross Adams also “lied under oath, and made misrepresentations.” One issue in *In re Adams* is whether Ross Adams lied during a hearing in her divorce case. The JTC found that Ross Adams repeatedly called the office of the judge presiding in her divorce, yet denied doing so during a hearing in her divorce case. Ross Adams maintains that she did not lie, that she denied trying to contact the judge directly, but never denied calling the judge’s staff in her attempts to reschedule a hearing.

The Supreme Court will also hear *People v Burns* and *People v Duncan*; at issue is whether child witnesses in sex abuse cases were “unavailable” at trial so as to allow prosecutors to introduce the children’s prior testimony into evidence. In *Burns*, the trial court allowed the child’s prior testimony to come into evidence after she repeatedly refused to testify against the defendant, her father, at trial; the trial judge found that the child was “unavailable” under Michigan Rules of Evidence 804(b)(6) because the defendant had warned her not to tell about the abuse. In *Duncan*, the trial judge barred the four-year-old witness from testifying after she told the judge that she did not know what the truth is or what a lie is. The prosecutor moved to introduce the child’s preliminary examination testimony on the basis that she was “unavailable,” but the trial judge refused, stating that none of the grounds for unavailability under MRE 804(a) – privilege, refusal to testify, lack of memory, inability to be present or testify, or absence – applied.

The Court will also hear five other cases, involving auto no-fault insurance, corporate, and criminal law issues, and the Sport Shooting Ranges Act.

The Court will hear the oral argument in its courtroom on the sixth floor of the Michigan Hall of Justice on **April 10 and 11**, starting at **9:30 a.m.** each day. The Court’s oral arguments are open to the public. The Court also live streams its hearings at <http://courts.mi.gov/Courts/MichiganSupremeCourt/Clerks/Oral-Arguments/Pages/live-streaming.aspx>.

As a public service, the Court provides summaries of the cases it will hear at <http://courts.michigan.gov/Courts/MichiganSupremeCourt/Clerks/Oral-Arguments/Pages/default.aspx>.

Please note: These brief accounts may not reflect the way that some or all of the Court's seven justices view the cases. The attorneys may also disagree about the facts, issues, procedural history, and significance of these cases. For further details about the cases, please contact the attorneys.

Wednesday, April 10
Morning Session

PEOPLE v WILLIAMS (case no. 144762)

Court of Appeals case no. 299484

Prosecuting attorney: Erin Leigh Birkam/(313) 224-5787

Attorney for defendant Johnny Lee Williams: Neil J. Leithauser/(248) 687-1404

Attorney for amicus curiae Prosecuting Attorneys Association of Michigan: William M. Worden/(517) 543-4801

Attorney for amicus curiae Criminal Defense Attorneys of Michigan: Douglas W. Baker/(313) 256-9833

Attorney for amicus curiae Attorney General Bill Schuette: Linus R. Banghart-Linn/(517) 373-4875

Trial Court: Wayne County Circuit Court

Issue: The defendant shot another man, then fled the scene of the shooting, turning himself in to police 15 days later. Do his actions amount to “interference with the administration of justice” – and warrant a longer sentence? ... [Read more](#)

PEOPLE v BURNS (case no. 145604)

Court of Appeals case no. 304403

Prosecuting attorney: Sylvia L. Linton/(989) 895-4185

Attorney for defendant David Barry Burns: Valerie R. Newman/(313) 256-9833

Attorney for amicus curiae Prosecuting Attorneys Association of Michigan: Jerrold E. Schrottenboer/(517) 788-4283

Trial Court: Bay County Circuit Court

Issue: A five-year-old girl refused to testify in a sex abuse case against her father, although she had earlier told several people, including a teacher, a sexual assault nurse examiner, and a forensic interviewer, about the alleged abuse. The girl also told others, including her mother and the forensic interviewer, that her father warned her not to tell anyone about the alleged abuse. The prosecution argues that the child was “unavailable” as a witness due to her father’s “wrongdoing” – and that her earlier statements should be allowed into evidence. ... [Read more](#)

WOODBURY, et al. v RES-CARE PREMIER, INC., et al. (case no. 144721)

Court of Appeals case no. 297819

Attorney for plaintiff Center Woods, Inc.: Thomas A. Basil, Jr./ (989) 799-5000

Attorney for defendant Res-Care Premier, Inc.: LeRoy L. Asher, Jr./ (313) 963-6420

Trial Court: Saginaw County Circuit Court

Issue: Residents of a Saginaw subdivision seek to block the 2009 sale of one of the homes to a corporation that operates adult foster care homes. A covenant requires property owners in the

Center Woods subdivision to give 30 days' notice to Center Woods, Inc. – but the corporation had dissolved in 1993 and was not reinstated until the day this lawsuit was filed. Was the seller required to give notice? ... [Read more](#)

Afternoon Session

PEOPLE v DUNCAN (case nos. 146295-6)

Court of Appeals case nos. 312637-8

Prosecuting attorney: Joshua D. Abbott/(586) 469-5350

Attorney for defendant Stanley G. Duncan: Martin J. Beres/(586) 260-8373

Attorney for defendant Vita Duncan: Frank D. Eaman/(313) 962-7210

Attorney for amicus curiae Attorney General Bill Schuette: Anica Letica/(517) 373-1126

Trial Court: Macomb County Circuit Court

Issue: A four-year-old girl, a witness in a sex abuse case, told the trial judge “No” when asked if she knew what the truth is and what a lie is. The judge barred her from testifying on the basis that the child was not “competent to be a witness.” Can her earlier testimony at the defendants’ preliminary examinations be admitted on the ground that she is “unavailable as a witness” under MRE 804(a)? ... [Read more](#)

Thursday, April 11

Morning Session Only

IN RE ADAMS (case no. 144985)

Attorney for petitioner Judicial Tenure Commission: Paul J. Fischer/(313) 875-5110

Attorney for respondent Honorable Deborah Ross Adams: Cyril C. Hall/(313) 582-7930

Tribunal: Judicial Tenure Commission

Issue: A Detroit judge opposes the Judicial Tenure Commission’s proposal that she be suspended for 180 days without pay. The JTC alleges, among other matters, that the judge lied under oath to the JTC and forged her former divorce attorney’s signature on legal documents. ... [Read more](#)

GRANGE INSURANCE COMPANY OF MICHIGAN v LAWRENCE, et al. (case no. 145206)

Court of Appeals case no. 303031

Attorney for plaintiff Grange Insurance Company of Michigan: Ann M. Byrne/(616) 538-7446

Attorney for defendant Farm Bureau General Insurance Company of Michigan: Michael D. Ward/(616) 551-0379

Attorney for amicus curiae Family Law Section of the State Bar of Michigan: Anne L. Argiroff/(248) 615-4493

Trial Court: Muskegon County Circuit Court

Issue: A child of divorced parents was fatally injured in an auto accident, while riding in a car driven by her mother. The mother’s no-fault insurer seeks to be reimbursed by the father’s insurer company for half the no-fault benefits Farm Bureau paid to the child’s estate. ... [Read more](#)

**AUTOMOBILE CLUB INSURANCE ASSOCIATION v STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY, et al. (case no. 143808)**

Court of Appeals case no. 294324

Attorney for plaintiff Automobile Club Insurance Association: John A. Lydick/(248) 646-5255

Attorney for defendant State Farm Mutual Automobile Insurance Company: Dale L. Arndt/(616) 530-6555

Trial Court: Ingham County Circuit Court

Issue: A 16-year-old girl died following an auto accident in Michigan, where she had been living with her mother and uncle for several months. For about 11 years before that, she lived with her father in Tennessee. At issue is where she was “domiciled” – and which of two insurance companies is liable for paying personal protection benefits on her behalf. ... [Read more](#)

PEOPLE OF THE TOWNSHIP OF ADDISON v BARNHART (case no. 145144)

Court of Appeals case no. 301294

Attorney for plaintiff People of the Township of Addison: Robert C. Davis/(586) 469-4300

Attorney for defendant Jerry Klein Barnhart, a/k/a Jerry Cline Barnhart: K. Scott Hamilton/(313) 223-3500

Attorney for amicus curiae Michigan United Conservation Clubs: Terrance J. Odom/(248) 762-8200

Attorney for amicus curiae Michigan Coalition of Responsible Gun Owners: Steven W. Dulan/(517) 333-7132

Attorney for amicus curiae National Rifle Association of America: Michael T. Jean/(248) 508-9765

Attorney for amicus curiae Michigan Townships Association and Michigan Municipal League: John H. Bauckham/(269) 382-4500

Trial Court: Oakland County Circuit Court

Issue: At issue is whether a shooting range is subject to local zoning ordinances – or is protected from such controls by the Sport Shooting Ranges Act. ... [Read more](#)

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