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Macomb County (MI) probate court woes

July 31, 2008

Shake-up in Macomb Probate Court

Ousted chief judge Kathryn George will no longer hear any cases on wills and estates.

George Hunter (ghunter@detnews.com)

July 12, 2008

The Detroit News

<http://detroitnews.com/apps/pbcs.dll/article?AID=/20080712/METRO03/807120313/1412/METRO03>

MOUNT CLEMENS — The Macomb Probate Court's chief judge on Friday signed an administrative order removing Judge Kathryn George from all cases involving wills and estates.

George, who was ousted as the court's chief judge by the Michigan Supreme Court in June, will only handle mental health cases, current chief probate judge Kenneth Sanborn said. All other cases will go to Probate Judge Pamela Gilbert-O'Sullivan.

Sanborn said George wrote a letter requesting she be removed from the wills and estates cases.

“Hopefully this will clear up some of the issues in the court,” said Sanborn, who was called out of retirement by the state Supreme Court to replace George as chief judge. Sanborn, who was a Macomb probate judge from 1972-78, said mental health and wills and estate cases were handled by separate judges when he was there.

George said Friday she asked to be removed from wills and estate cases. “It makes more sense to have one judge covering wills and estates, and another judge covering mental health cases,” she said.

Sanborn said he is reviewing 82 questionable cases, most of which involve Shelby Township-based ADDMS Guardianship Services. A recent audit by the Whall Group, an Auburn Hills fraud investigation firm, found “flagrant violations” by ADDMS. The audit highlighted several cases in which the agency mishandled the estates of people it was charged to care for.

The Whall Group audit was commissioned after questions arose about George's appointments to ADDMS.

The court's policy calls for its two judges to appoint guardians and conservators from a list of agencies on a rotating basis, but a Detroit News report in November found that George sent far more cases to ADDMS than to the other agencies.

On Wednesday, O'Sullivan removed ADDMS from all eight cases on her docket, citing "abuse of power" and "serious concerns" about how the agency handled court wards' estates. An attorney appointed to review ADDMS cited instances in which the company failed to account for financial transactions and falsely reported that clients had been visited.

Sanborn said Friday he has similar concerns about the agency.

"I'm concerned about why they were awarded so many cases," he said. "I also have some concern about the fees that were charged."

ADDMS has also been suspended from the cases formerly handled by George, while attorneys pore over those cases. After that review, O'Sullivan will decide whether to remove the agency from the files.

Probate judges' duties split up

Sanborn attempts to ease tensions

Jameson Cook

July 12, 2008

The Macomb Daily

http://www.macombdaily.com/stories/071208/loc_local04.shtml

Macomb County Probate Court's two judges were reassigned Friday to handle cases in one division each, a move by the new chief judge to improve the court's operation, which has been hampered by conflict between the two jurists.

Judge Pamela Gilbert O'Sullivan will handle all wills and estates cases, and Judge Kathryn George will handle all mental cases at the court, in an order issued by Chief Judge Kenneth Sanborn.

"Dividing the judges might be" a way to help facilitate operations and staff members at the court, Sanborn said Friday shortly after issuing the order.

"The staff (in each division) is only going to have to deal with one judge," he said.

The court and the two judges were highly criticized in an audit performed by the Whall Group forensic accounting firm, which noted a high degree of acrimony between the two judges created operational problems as well as problems involving a guardianship company.

The new system returns to the way cases were divvied up among the judges for decades prior to 2003, when O'Sullivan changed it to a blended docket in which she and George began handling dockets containing both types of cases.

Sanborn said George was selected to the mental division partly due to her nursing background and O'Sullivan to wills and estates due to her wealth of experience in that area.

Court Administrator Donald Housey said he believes the reassignment "is a good thing for the efficient operation of the court."

He said it will a more consistent application of the law in cases and will "cut down on traffic between the two

courtrooms” in the cramped court building.

George said she favored the move.

“Given the problems at the court, anything we can do to stabilize things is helpful,” she said.

O’Sullivan could not be reached for comment Friday.

In a memo based on the May audit report by the Whall Group in Auburn Hills, Carl Gromek, director of the state Court Administrative Office, said the judges’ inability to work together created low morale at the court. He said while O’Sullivan was chief judge she “demonstrated poor oversight” of the Probate Court, including failing to institute recommendations from a prior audit.

He said George “demonstrated poor oversight” in appointing ADDMS Guardianship Services in Shelby Township to cases.

ADDMS in May was removed from all probate cases under George due to “multiple problems in accounts for assets and income” discovered in cases in which it was appointed.

George was named chief judge effective Jan. 1 in a 4-3 vote last fall by the state Supreme Court, which oversees the court. But the high court about one month ago in a unanimous decision removed George as chief judge and replaced her with Sanborn, a former sitting probate and circuit court judge in Macomb County who still was working as a visiting judge.

On Wednesday, O’Sullivan removed ADDMS from eight cases on her docket, and new guardianship companies will be appointed to the cases.

ADDMS co-owner Alan Polack could not be reached for comment Friday.

A special fiduciary consisting of 10 attorneys and Sanborn are currently investigating the 84 cases that ADDMS handled under George. George had set up the task force in May following the audit report, and Sanborn kept it intact.

Sanborn said he has looked into about two dozen of the cases so far and has found “some problems,” including “why were all these fees charged” and “why this organization (ADDMS) was sent so many cases.”

He said he expects to complete his review by the end of the year and will issue a report. He said he could not speculate if his report would result in disciplinary or legal action. He said he doesn’t foresee trying to change judicial orders in the cases.

“I think the end result will be some new policies,” he said. “And there might be a change in the guardians and conservators we use.”

He said, for instance, he will look into using more companies that charge flat fees in guardianship and conservator cases, which may save money.

In a unique situation, the new assignment means George will work more often with Debbie Lux Roland, who is chief attorney of the mental division and is running against George for her seat in the November election.

Both George and Lux Roland said they did not foresee any problems between them. They have been working

together on cases for years.

“I look at it as a work relationship from 9 to 5,” Lux Roland said. “Campaign issues are for outside the office.”

Still, Lux Roland said she was surprised by the assignment and wasn’t sure it is a good move.

“I’m still trying to digest it,” she said.

O’Sullivan will have the busier courtroom as wills and estates make up about three-quarters of the cases, but she will have a larger staff to accommodate the workload.

George said she can look into making changes in the mental division to focus more on treatment.

Under the mental division, the judge finalizes classifying individuals as needing mental help and appoints guardians for developmentally disabled adults.

Probate Court lambasted

Administrator suspended, two judges blamed for many problems

Jameson Cook

May 24, 2008

The Macomb Daily

http://www.macombdaily.com/stories/052408/loc_local03.shtml

An audit report about Macomb County Probate Court produced a scathing memo of the court that blames the judges for ongoing problems and has resulted in the suspension of the court administrator and an investigation into a guardianship and conservator company.

Carl Gromek, director of the State Court Administrative Office, wrote a May 16 three-page memo to the Supreme Court justices two days after The Whall Group of Auburn Hills issued its 113-page audit report. The memo and report were released late Friday by Chief Judge Kathryn George.

Gromek blames many of the problems on the inability of the two judges — Judge George and Judge Pamela Gilbert O’Sullivan — to get along, and has resulted in low morale among the more than 40 employees at the Mount Clemens courthouse.

“The court has become ‘dysfunctional’ and staff morale has been destroyed by the acrimony and lack of communication between Judge George and Judge O’Sullivan,” Gromek says. “The acrimony between Judge George and Judge O’Sullivan eliminates any hope of these two judges correcting the problems that continue in the MCPC.”

Gromek points out that O’Sullivan, when she was chief judge, and Administrator Donald Housey failed to implement recommendations made by the Whall Group in 2006 following a 2005 audit report.

“In fact, The Whall Group finds that ‘many of the same conditions found in 2005 persist, and some conditions appear to have gotten worse,’” Gromek says.

As a result of the findings, Housey was placed on paid administrative leave Friday, George said late Friday. Rodney Lubienski, chief attorney of the wills and estates division, has been named interim administrator.

George declined to provide the reason for Housey’s suspension.

Housey has served as administrator for the past six years, after serving as chief attorney for wills and estates.

Gromek says O’Sullivan “demonstrated poor oversight” of the Probate Court, and George “demonstrated poor oversight” in appointing ADDMS Guardianship Services in Shelby Township to cases.

O’Sullivan served as chief judge from 2000 through 2007; George, who began serving in 2003, took over as chief judge Jan. 1. George is seeking reelection this year, and is opposed by Deborah Lux-Roland, chief of the probate court’s mental division.

Also, because of the audit report, ADDMS on Tuesday will be suspended from handling any more cases, and its workload of 85 pending cases are being handed over to a group of 10 attorneys, who will work mostly pro bono, according to George. Attorney John Chase Jr. was named as a “special fiduciary” to oversee the group’s handling of the cases and investigating any wrongdoing, she said.

The audit was commissioned by the SCAO late last year after questions arose regarding “the integrity” of Macomb Probate Court, Gromek said in a prior letter.

High court Justice Elizabeth Weaver in a written opinion last November regarding the appointment of George as chief judge raised questions about George assigning a high number of cases to ADDMS, where an account manager is a friend of George’s and a former Macomb Probate employee, based on a published report.

George has denied any wrongdoing in connection with ADDMS.

Gromek expresses many concerns about ADDMS, and mentions the report pointing out “‘financial mishandling’ by several court-appointed conservators.”

The Whall Group reviewed cases handled by ADDMS and discovered “multiple problems in accounts for assets and income,” according to Gromek.

“For example, in ‘numerous instances’ ADDMS sold wards’ vehicles without the bill of sale and a copy of the Secretary of State title. Real estate was sold at significantly less than market value,” Gromek says.

While serving as a court-appointed conservator, ADDMS “sold the entire contents of a ward’s home and petitioned to sell the ward’s home at significantly less than market price,” Gromek says.

“After the ward petitioned to have ADDMS removed as conservator, ADDMS refused to turn over any of the proceeds from the sale unless the ward removed his petition.”

The Whall Group says in the report that ADDMS would only communicate with Whall through an attorney and failed to provide all requested information.

Gromek notes that George handled “virtually all” of the ADDMS cases it investigated, but the reason she handled all of the cases raises questions. O’Sullivan had stopped assigning ADDMS cases in 2006, after which time court staff began overriding the random assignment system and assigned all of the cases to George.

“It is not clear whether the two judges ever communicated about this issue,” Gromek says.

George said Friday that cases should not be assigned in that manner, which she said constitutes “judge shopping.” She said she issued a memo telling employees that anyone engaging in that practice will be disciplined.

She said she is working with county computer experts to “ensure statistically random assignments,” she says in a May 19, six-page response to Gromek.

O’Sullivan told auditors she “did not attempt to remove ADDMS from cases to which it was already assigned because ‘she did not want to agitate Judge George or Lansing,’” the location of the offices of SCAO and Supreme Court, which oversee the state courts, including probate courts.

Gromek says that due to dysfunction at the court, neither George nor O’Sullivan should continue to serve as chief judge. Gromek recommends circuit Judge James Biernat, who was named chief judge pro tem earlier this year when O’Sullivan refused to accept it, be selected to serve.

George and O’Sullivan have been requested to respond to the report in a meeting Wednesday with SCAO officials.

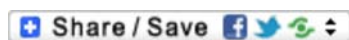
As part of her May 19 response to Gromek, George detailed actions she has taken or plans to take to address problems.

“Each issue will be reviewed, and addressed by the end of June,” George says in her response.

George says in the response that she plans to meet Macomb County Sheriff Mark Hackel and county Prosecutor Eric Smith about forming a task force to reduce abuse of senior citizens who cannot protect themselves, modeled after a group in Genesee County called the Elder Abuse & Exploitation Prevention team.

Probate court hears cases pertaining to guardianships, conservatorships, the commitment for hospital care for the mentally ill, and administration of estates and trusts. Probate is divided into two divisions: Wills and Estates, and Mental. Both judges hear both types of cases.

Guardians care for individuals, and conservators care for estates.



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Patricia Muha DeHullu • 4 years ago

I have had personal experience with this court and sadly I can say that my knowledge and belief of Macomb County Probate court and this system has been destroyed.

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