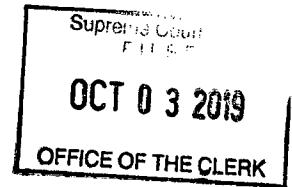


19-6212

ORIGIN

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



Melissa Edwards—PETITIONER

Vs.

ATTORNEY GRIEVANCE COMMISSION—RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI TO

MICHIGAN SUPREME COURT

Melissa Edwards

40435 Emerald Lane West

Clinton Township, Michigan 48038

586-690-9945

QUESTIONS(S) PRESENTED

1. Is it unconstitutional for a state court to deny relief without explaining why relief was denied.
2. Is it unconstitutional for the Attorney Grievance Commission to refuse to investigate an attorney or for a Supreme court to deny relief that request the investigation of an attorney, even when the petitioner presents the investigating body, such as the Attorney Grievance Commission and the Michigan Supreme Court, with proof of an attorney's unethical behavior, the attorney's habit of ignoring laws, and possible illegal behavior.
3. Is it unconstitutional for a state agency to hide investigation results from the public if it turns out that an attorney is guilty of the accusations made against them by the petitioner?
4. Is it unconstitutional for a state agency and state courts to ignore the fact that a disabled United States Citizen rights are being violated by those who took an oath of office?
5. Is it unconstitutional for a state court Hearing Court Panel to not include one of its Justices in its decisions?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

Grounds of Discipline in General

MCR 9.103(B) Duty to Assist Public to Request Investigation. An attorney shall assist a member of the public to communicate to the administrator, in appropriate form, a request for investigation of a member of the bar. An attorney shall not charge or collect a fee in connection with answering a request for investigation unless he or she is acting as counsel for a respondent in connection with a disciplinary investigation or proceeding.

MCR 9.104(1) conduct prejudicial to the proper administration of justice;

MCR 9.104(2) conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach;

MCR 9.104 (3) conduct that is contrary to justice, ethics, honesty, or good morals;

Grievance Administrator

MCR 9.109(A) Appointment. The administrator and the deputy administrator must be attorneys. The commission may recommend one or more candidates for appointment as administrator and deputy administrator. The Supreme Court shall appoint the administrator and the deputy

administrator, may terminate their appointments at any time with or without cause, and shall determine their salaries and the other terms and conditions of their employment.

Confidentiality; Disclosure

MCR 9.221 (A) Scope of Rule. Except as provided in this rule, all papers filed with the commission and all proceedings before it are confidential in nature and are absolutely privileged from disclosure by the commission or its staff, including former members and employees, in any other matter, including but not limited to civil, criminal, legislative, or administrative proceedings. All the commission's investigative files and commission-generated documents are likewise confidential and privileged from disclosure. Nothing in this rule prohibits the respondent judge from making statements regarding the judge's conduct.

MCR 9.221 (E) Disclosure to Grievant. (1) Upon completion of an investigation or proceeding on a complaint, the commission shall disclose to the grievant that the commission (a) has found no basis for action against the judge or determined not to proceed further in the matter, (b) has taken an appropriate corrective action, the nature of which shall not be disclosed, or (c) has recommended that the respondent be publicly censured, suspended, removed, or retired from office.

MCR 9.221 (F) Public Safety Exception. When the commission receives information concerning a threat to the safety of any person or persons, information concerning such person may be provided to the person threatened, to persons or organizations responsible for the safety of the person threatened, and to law enforcement or any appropriate prosecutorial agency.

OTHER

International Disabilities Rights

<https://www.state.gov/promoting-the-rights-of-persons-with-disabilities/>

Disability rights are basic human rights, not special rights. Persons with disabilities have the same rights as all people to non-discrimination, access, equality of opportunity, inclusion and full participation in society. These are the basic principles underlying the Americans with Disabilities Act and the Convention on the Rights of Persons with Disabilities. Yet the rights of disabled people are often violated due to prejudice and discrimination. Physical, attitudinal, and institutional barriers can also marginalize disabled people.

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-5-equality-and-non-discrimination.html>

Article 5 – Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6 – Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 10 – Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 13 – Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 14 – Liberty and security of person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

- a) Enjoy the right to liberty and security of person;
- b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.

Article 17 – Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 22 – Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and

reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23 – Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

- a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
- b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
- c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 25 – Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26 – Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

- a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
- b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Equal Protection Clause Article XIV of the U.S. Constitution

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

5 U.S. Code § 3331. Oath of office

An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: “I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.” This section does not affect other oaths required by law.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was July 29, 2019. A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 424.)

3.

STATEMENT OF THE CASE

1. Public guardian and Attorney Charlene Glover Hogan has violated and is currently violating the rights of my sister Kim Marie Edwards who is a ward of Wayne County Probate Court.
2. Charlene Glover Hogan was reported to Michigan Attorney Grievance Commission A.K.A. AGC. Over a hundred pages of evidence was included in the request for investigation. Please see the evidence provided in the exhibit.
3. AGC denied investigation despite all of the evidence and proof that was provided to them.
4. A request for Reconsideration was filed with the AGC. It's included in Appendix B
5. AGC denied investigation again and stated that if I didn't agree with their decision that I could file a complaint with Michigan Supreme Court.
6. Complaint was filed with the Michigan Supreme Court. Over one hundred pages of evidence was included.

7. Michigan Supreme Court denied relief. The exact wording is on the order that is
Appendix A.

4.

8. On the order it states that Justice Cavanagh J., did not participate due to her prior service as a member of the AGC. However, from my understanding, she is also a member of the Michigan Elder Abuse Task Force (MEATF) along with Attorney General Dana Nessel. The purpose of the task force is to fight against abusive guardianship that's administered by public or professional guardians and to protect elders and the disabled from abuse. I believe that she should have participated in the decision so she could carry out the purpose of her MEATF membership.

28 U.S.C. 2403(b) may apply to this case. The rule says “In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The

State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality" I believe that this rule applies to this case.

5.

REASONS FOR GRANTING THE PETITION

1. Kim Edwards is supposed to have equal access to the equal protection granted by the U.S. constitution. Her rights as a U.S. citizen and as a person with disabilities are being violated. When the AGC was asked to carry out an investigation to protect her rights and the rights of others that may have been victims of her guardian, they did not carry out their duty. Michigan Supreme Court didn't provide relief even though they were presented with evidence, know that a person rights are not being protected properly, and they are working with the Michigan Elder Abuse Task Force to protect people like Kim's rights. Yet, they denied relief to the complaint.
2. This is a problem not just in Michigan but all over the United States. More and more people are getting older, will need assistance and are potential victims of public

guardians, attorneys, other court officers, and the probate court system in general. Action needs to be taken to ensure that their rights are protected, and their civil, human, and constitutional rights are not being violated.

- a. According to *Elder Law Answers* at <https://www.elderlawanswers.com/problems-with-guardianship-abuse-leading-to-calls-for-reform-15538> “Unfortunately, in many states, the lack of court oversight combined with poorly trained guardians has led to reports of abuse.”

6.

- b. According to Forbes Magazine at <https://www.forbes.com/sites/nextavenue/2016/05/23/guardianship-in-the-u-s-protection-or-exploitation/#338f2c693b49> “In a 2010 report, the U.S. Government Accountability Office (GAO) found hundreds of allegations of physical abuse, neglect and financial exploitation by guardians in 45 states and the District of Columbia between 1990 and 2010. Guardians also stole \$5.4 million in assets from their wards in that period, the GAO said. (The GAO is currently working on an updated report.)”
- c. According to AARP at <https://www.aarp.org/caregiving/financial-legal/info-2018/court-ordered-guardianship-separates-family.html> “An estimated 1.3 million adults are under guardianship in this country, perhaps 85 percent of them over 65.

For full guardianship, a judge transfers the individual's civil rights to the guardian.”

- d. According to GAO at <https://www.gao.gov/products/GAO-17-33> “The extent of elder abuse by guardians nationally is unknown due to limited data on key factors related to elder abuse by a guardian, such as the numbers of guardians serving older adults, older adults in guardianships, and cases of elder abuse by a guardian.”

7.

- e. Lastly according to the Attorney General March 25, 2019 “LANSING – Michigan Attorney General Dana Nessel joined with Supreme Court Justices Richard Bernstein and Megan Cavanagh, Midland County Prosecutor J. Dee Brooks, state legislators Rep. Brian Elder and Sen. Paul Wojno, and 72-year-old Macomb resident Dennis Burgio to announce the formation of the Michigan Elder Abuse Task Force”. “More than 73,000 older adults in Michigan are victims of elder abuse,” said Nessel. “They experience physical abuse, financial exploitation, emotional abuse, or neglect.”
- f. “The primary role of government is to keep the peace and to protect the public,” said Rep. Brian Elder. “Its highest calling is to protect its most vulnerable

members.” “We need to strengthen Michigan laws designed to protect elder victims from exploitation and toughen our laws against the predators who commit these terrible acts,” added Sen. Pete Lucido. “Michigan needs to lead the country in protecting our elder citizens from those who bankrupt, abuse, or neglect them. By joining forces with the Attorney General, the Supreme Court, and the Governor’s Office we can change the conversation across the country with new reforms here in Michigan. We will send a clear and unified message that in Michigan our elders are highly valued and will receive the protection they have earned and that they deserve. It is my privilege to serve on this task force.”

8.

g. “Working together, our goal is to ensure that Michigan’s aging population is receiving the protections promised by our laws,” said Michigan Supreme Court Justice Richard Bernstein. “Our Court is committed to taking action so that our adult guardianship system is providing proper care for vulnerable individuals.” “Everyone with aging parents knows how hard it is to keep up with all the demands of daily life,” said Justice Cavanagh. “Strengthening court supervision of guardianships is an important step toward easing that burden and safeguarding the rights of older Michiganders”

The Michigan Supreme Court is involved in leading the task force because of its supervisory role over all Michigan courts and because probate courts are

responsible for the appointment and supervision of adult guardians. In evaluating the system and making recommendations for change, the Court will be focused on three key questions: 1) Are proper legal procedures being followed? 2) Is the system transparent with the necessary data and records collected so that courts can properly review existing guardianships? And 3) Is there appropriate education and support for guardians, judges, and attorneys so that they are all able to fulfill their respective roles?

9.

3. The public needs to know about an attorney's, guardians and other court officers' misconduct. This information can save families and lives if the public knows ahead of time what attorneys and public guardians are really doing behind the scenes and the abuse and suffering, they cause not only wards of the probate court, but their families.

Therefore, the petition for a writ of certiorari should be granted.

CONCLUSION

Respectfully submitted,

Melissa Edwards

Melissa Edwards

Date: 17th of September 2019

11.

All the information within this document, and all the evidence and documents that accompanies this document is true to the best of my information, knowledge, and belief.

Signature: Melissa Edwards Date: 17th of September 2019

Subscribed and sworn to by Melissa Edwards before me on the 17th day of September, 2019.

Signature R. Carlson

Printed name R. Carlson

Notary public, State of Michigan, County of MACOMB

My commission expires 09/13/2025

R CARLSON
NOTARY PUBLIC - MICHIGAN
MACOMB COUNTY
MY COMMISSION EXPIRES 09/13/2025
ACTING IN MACOMB COUNTY

*If performing a notarial act in a county other than the county of commission include: Acting in the County of MACOM B.

12.