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PNC CENTER
755 W. BIG BEAVER RD., SUITE 2100
TROY, MI 48084
TELEPHONE (313) 961-6585
WWW.AGCMI.ORG

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GRIEVANCE ADMINISTRATOR

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DEPUTY ADMINISTRATOR

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February 16, 2023

PERSONAL AND CONFIDENTIAL

William F. Heatley, Jr.
c/o Tamara French

**Re: William F. Heatley, Jr. as to Jayne M. Labuda-Szymanski
AGC File No. 22-1170**

Dear Mr. Heatley:

Your request for investigation was filed with the Attorney Grievance Commission on May 6, 2022, alleging improper conduct on the part of Jayne M. Labuda-Szymanski.

Following an investigation, the matter was submitted to the Attorney Grievance Commission for review and decision. At its regular monthly session on February 15, 2023, the Commission determined that the evidence reviewed did not warrant further action by the Commission. Therefore, pursuant to MCR 9.114(A)(2), the Commission directed that this Request for Investigation be closed.

Very truly yours,

/s/ Sarah C. Lindsey

Sarah C. Lindsey
General Counsel

SCL:cam

cc: Jayne M. Labuda-Szymanski, Respondent

STATE OF MICHIGAN

IN THE MICHIGAN SUPREME COURT

William Heatley
Complainant

COMPLAINT FOR
SUPERINTENDING CONTROL
AGC File No. 22-1170

v.

Jayne Marie Labuda Szymanski,
Respondent/Appellee.

Tamara A. French (P57491)
Attorney for Petitioner/Appellant
4632 2nd Avenue
Detroit, Michigan 48201
313-831-3390

Jayne Labuda-Szymanski
In Pro Per Respondent/Appellee
12030 Diamond Drive
Shelby Twp., Mich. 48316
586-615-3526

COMPLAINT FOR SUPERINTENDING CONTROL

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STATEMENT OF JURISDICTION

On February 16, 2023, the Attorney Grievance Commission closed Complainant William Heatley's Request for Investigation pursuant to MCR 9.114(A)(2). As 180 have not yet elapsed, this Court has authority to review the Complaint.

QUESTION PRESENTED

Did the Attorney Grievance Commission err when it closed Complainant William Heatley's Request for Investigation? Complainant answers: Yes.

STATEMENT OF FACTS

On April 29, 2022, Complainant William Heatley filed a three-page request for investigation with the Michigan Attorney Grievance Commission, “AGC”. Therein he alleged that Respondent attempted to take his dog “Adam” through duress about six years prior. He also described two other incidents that he was a witness to, and where Respondent attempted to take a dog through duress and in one case was successful. Those two complaints were previously detailed to the AGC by other complainants and Mr. Heatley highlighted his involvement and the ethical concerns he had.

On July 18, 2022, Respondent filed her *Response* with the AGC. Respondent in her *Response* claimed all the allegations were “lies” and blamed this counsel (Tamara French) for soliciting and writing the complaints. (*Response* pages 1-2). In her *Response* at page 2, Respondent next wrote that Complainant Heatley is a “person that everyone in the rescue community is aware of and never works with”, including the old and new directors of his county animal control in Genesee. Respondent wrote that Mr. Heatley’s “only interaction with animal control is his almost daily surrender of dogs to animal control (...)”. Next, she wrote that Mr. Heatley, “has a very sordid life history from drinking a lot to, anger management and control issues to attacking virtually everyone who does rescue in the Flint area.” (See *Response* page 2)

At the top of page 5 of her *Response*, Respondent continued to demean Mr.

Heatley and wrote:

There are several people in the Flint area rescue community, animal control and animal shelter, and government agencies that will happily step forward to tell their stories about William Heatley, his rescue practices, his argumentative and threatening manner and attacks on people and rescues alike and more. No one works with him because he will demean, verbally attack, and cause substantial issues and drama they do not need.

Respondent provided no names or proof of any of these allegations.

On page 6 of her *Response*, Respondent noted, for what she calls the “umpteenth time”, that her activities in dog rescue are in no way related to her activities as a lawyer and therefore not reviewable by the Attorney Grievance Commission.

Next, on or about August 9, 2022, Complainant Heatley filed his Reply. He refuted her allegations with proof, including a newspaper article when, in 2021, he received a \$2,500 cash award from the current Genesee County Sheriff, Sheriff Swanson, for his contributions to the community as well as an article from Ballotopedia when he spearheaded the recall of a county commissioner and even drafted the language that was adopted by the Genesee County Election Commission.

Mr. Heatley then proceeded to identify each of her defamatory attacks and cited to various rules under the Michigan Rules of Professional Procedure that Respondent had violated in her response, in particular, 8.1 (false statements in a

disciplinary proceeding) and 8.4 (Misconduct- dishonesty, deceit, and misrepresentation). Next, Mr. Heatley refutes Respondent's claim that none of her dog rescue activities "involve acting as an attorney and practicing law" (Respondent's *Response* page 6) with proof attached to his reply, to wit, a Facebook post made under Respondent's dog rescue Facebook page "Michigan Animal Crew" wherein she wrote, "I am an attorney you can call my law office. SO PLESE i WOULD LOVE TO BRING YOU TO COURT (...)"

Next, Complainant Heatley raised a new allegation of unethical conduct of Respondent supported by court transcripts from a case where Respondent sued her former foster Kandie Job. At the "show cause" hearing for that civil suit, Respondent had to clarify to that judge when she was speaking as the lawyer and when she was speaking as the president of her dog rescue. For 12 pages, Mr. Heatley pointed out, Respondent testified to the lower court and was in fact eventually sworn in by the judge. Complainant Heatley identified a violation of MRPC 3.7 (attorney as a witness) and MRPC 3.4 (fairness to opposing parties and counsel) in that Respondent both testified and argued at the "show cause" hearing which, according to the defendant's counsel, afforded the defendant the right to present their arguments first.

Next, at page 7, he raised an ethical concern as the Respondent sent the police to the defendant's house prior to filing the civil suit.

Next, he raised concerns that Respondent outright lied to third parties in that case and caused them to surrender their dogs to her, rather than “pleading in” the third parties as Respondent agreed to do on the record. As found in the transcripts, Respondent attempted to get a protection order for some dogs that were not a part of the civil suit, and the judge made clear, he did not have jurisdiction over dogs that the defendant did not have possession of, dogs that were already sold to third parties. Respondent acknowledged the court’s concern when the court stated, “What is the interest of the three adoptees that are non-parties to this case? What are their interest rights?” (Page 8, quoting transcripts attached at page 25). Mr. Heatley then provided to the AGC a copy of the letter that Respondent sent to these third-party dog owners which was created by Respondent on the same day of the hearing wherein she demanded they return the dogs to the defendant. She wrote to these third-party dog owners:

“Today the judge advised (defendant) that she must retain all puppies until this case is resolved and that I may file a lawsuit against each party that has one of our puppies.”

The families then apparently returned the puppies to Respondent and Respondent then dismissed the case against Kandie Job. The concern for Mr. Heatley is that the judge *did not order the return of any dogs* and that these dogs were thus unfairly taken from these families and children. Mr. Heatley, the president and founder of “Streethearts Dog Rescue” then wrote to the AGC:

“I can honestly tell this Commission the thought of the families she crushed and the little kids she ruined by tearing their new family puppy out of their home makes me physically ill. This is a horrendous miscarriage of justice done maliciously at the hand of respondent. This is a violation of MRPC 4.1 truthfulness in statements to others, 3.4 Fairness to opposing party and counsel, 3.3 Candor to the tribunal and 8.4 Misconduct -engaging in conduct that involves dishonesty, misrepresentation, fraud, deceit, and this all truly reflects on her trustworthiness as a lawyer.”

Complainant’s reply page 8.

Finally, Mr. Heatley pondered whether Respondent was employed and paid for her role as “lawyer” for the rescue she founded, operates and of which she is president and asked the AGC to investigate this as well. (Page 9).

ARGUMENT

The Attorney Grievance Commission Erred When It Closed

Complainant William Heatley’s Request For Investigation.

Michigan Court Rule 9.104 “Grounds for Discipline in General” provides a list of misconduct and grounds for discipline “whether or not occurring in the course of an attorney-client relationship”. A number of them may be applied to this Respondent including: (1) conduct prejudicial to the proper administration of justice, (2) conduct that exposes the legal profession (...) to obloquy, contempt, censure, or reproach, (3) conduct contrary to justice, ethics, honesty, or good morals, (4) conduct violating the standards or rules (of professional conduct), (6) knowing misrepresentation of any facts or circumstances surrounding a request for investigation or complaint.

When considered altogether the AGC could have concluded quite easily that Respondent is willing to lie to them. Clearly her strategy was to demean the character of Complainant Heatley in order to have his Request for Investigation closed or dismissed purely due to lack of credibility by impugning his character. Why else make up a lie about him drinking a lot? Respondent wants the Commission to believe that Mr. Heatley cannot get along with government officials, all of which Mr. Heatley refuted- with proof. It is Mr. Heatley's position that in fact through her defamatory statements to the Commission about him that Respondent further violated the Michigan Rules of Professional and her obligation to be truthful and honest to the Commission. (MRPC 8.1(a)(1) false statement of fact). This cannot be overlooked. Respondent must be disciplined.

Respondent's assertion, for the "umpteenth time", (*Response* page 6) that she believes that the AGC does not have the power to review her conduct as it relates to the dog rescue, is not only demonstrably based on a lie (she has threatened to sue people in her role as a lawyer under the Facebook profile of her dog rescue if they did not capitulate to her demands) but a clear misstatement of the rules that she either erroneously believes, or is simply willing to portray to the unknowing public. Respondent is very well versed in court rules and procedure as she will demonstrate in her response. It is Mr. Heatley's position that her misstatements of the power of the Commission to oversee her conduct is done

willingly and knowingly and will continue if it goes unchecked by the Commission.

In this way, Respondent acts without fear of discipline and this Court should not pass on the opportunity to correct her, lest another court is misused to gain the results she wants outside of the courtroom such as in the lawsuit against Kandie Job.

The Respondent has demonstrated she is willing to lie to the AGC, whether about Mr. Heatley's drinking habits or what the court directed in the Kandie Job's lawsuit, and therefore the conclusion can be made that Mr. Heatley is in fact telling the truth and, in some instances, he is the witness to the accusations of misconduct that other complainants complained about to the AGC. His credibility is at issue and his reply demonstrates he is indeed a credible witness with valid concerns that the Respondent is violating the code of ethics.

This means Mr. Heatley's allegations of Respondent's misconduct should be further investigated. If not the incident six years prior, at a minimum her conduct in the courtroom in the Kandie Job case and her conduct thereafter, removing puppies from the homes of unknowing families. This is all of grave concern to this Complainant and there is no requirement of an attorney-client relationship.

Respondent's activities and mentality are beyond unsavory, and they quite clearly subject the profession to obloquy. This Court has the power to correct her and must correct her to protect the community.

CONCLUSION

This matter should be remanded to the AGC with a directive to further investigate charges against the Respondent. To do otherwise, would be to rubberstamp her conduct as the Commission has sadly done. This error is reversible, and it should be reversed not only for the people, but for the benefit of the animals in her care and control.

Respectfully submitted this 25th day of May 2023.



Tamara A. French
Attorney for Complainant William Heatley

PROOF OF SERVICE

I, Tamara A. French, on 5/25/2023, served a copy "Complaint for Superintending Control" on Respondent Jayne Labuda Szymanski via MiFile and to the Attorney Grievance Commission via USPS priority mail and by depositing in a USPS mailbox addressed as follows:

Attorney Grievance Commission
755 W Big Beaver Rd #2100
Troy, MI 48084



Tamara A French