

For office use only:

RFI No.

MICHIGAN JUDICIAL TENURE COMMISSION
REQUEST FOR INVESTIGATION FORM

Instructions:

- (1) Type or clearly print **in ink**, Sections I, II & III (Person(s) filing Request for Investigation).
- (2) Attach **copies** (not originals) of documents to support your claim.
- (3) Place your original signature(s) in Section IV, **in the presence of a notary**.
- (4) Have notary complete all remaining portions of Section IV
- (5) Keep a copy of the Request for Investigation and attachments for your files. The Commission **will not** return or copy forms or materials provided in the course of the grievance process.
- (6) **Do not** submit the form by fax or e-mail- see below.*
- (7) Return the completed form by first class mail to:

Judicial Tenure Commission
3034 W. Grand Blvd., Ste. 8-450
Detroit, MI 48202

- (8) Your completed form will be acknowledged in writing. Please see the confidentiality policy below.*

PART I. INFORMATION ABOUT YOU:

1st Grievant: Mr. or Ms. Mark [REDACTED] F [REDACTED]

(Your signature **must** be notarized on page 3.)

Prisoner # if currently incarcerated _____ ☐ not currently incarcerated ☐ does not apply

Address: [REDACTED]

City/State/Zip [REDACTED]

Daytime Phone: [REDACTED] Evening Phone: _____

2nd Grievant: Mr. or Ms. _____ (if any)

(Your signature **must** be notarized on page 3.)

Prisoner # if currently incarcerated _____ ☐ not currently incarcerated ☐ does not apply

Address: _____

City/State/Zip _____

Daytime Phone: _____ Evening Phone: _____

PLEASE CONTINUE TO PART II ON THE NEXT PAGE.

* * *

***COMMISSION POLICIES ON ELECTRONIC COMMUNICATIONS AND CONFIDENTIALITY:**

BECAUSE OF THE REQUIREMENTS OF AN ORIGINAL SIGNATURE AND VERIFICATION BY A NOTARY PUBLIC, REQUEST FOR INVESTIGATION FORMS **WILL NOT** BE ACCEPTED BY E-MAIL OR FAX, AND THE COMMISSION **WILL NOT** OPEN GRIEVANCE FILES BASED ON INFORMATION SUBMITTED ELECTRONICALLY.

AS THE COMMISSION IS PROHIBITED FROM GIVING OUT ADVISORY OPINIONS, IT MAY ONLY REVIEW AND ASSESS FACTS CONCERNING A CLAIM OF JUDICIAL MISCONDUCT **AFTER** A REQUEST FOR INVESTIGATION FORM HAS BEEN FILED. THE COMMISSION MAY NOT REPORT ON DETAILS REGARDING A PENDING INVESTIGATION DUE TO CONFIDENTIALITY REQUIREMENTS.

PART II. INFORMATION ABOUT YOUR ALLEGATIONS:

Type of Judicial Officer (check one):

- | | | |
|---|--|---|
| ☐ Supreme Court | ☐ Probate Court | ☐ Magistrate |
| ☐ Court of Appeals | ☐ District Court | ☐ Referee |
| ☒ Circuit Court | ☐ Municipal Court | ☐ Retired/Visiting |

Name of Judge/Magistrate/Referee whom your allegations concern: Vicky L. Alspaugh

Please identify how you learned of the information on which your allegations are based (check appropriate boxes):

- | | | |
|--|--|---|
| ☒ Litigant/party in case | ☐ Social media- <u>please specify source:</u> _____ | |
| ☐ Attorney in case | ☐ News media- <u>please specify source:</u> _____ | |
| ☐ Witness in case | ☐ Relative/friend to party in case | ☐ Business relationship with judicial officer (outside of judicial duties) |
| ☐ Political/campaign | ☐ Social/personal relationship | |
| ☐ Court system employee | ☐ Other- <u>please describe:</u> _____ | |

Date(s) and time(s) of the alleged misconduct: 9/15/2021 and 9/23/2021

Do your allegations involve a court case?

☒ Yes (Please complete the remainder of this section)

☐ No (Do not complete the remainder of this section- **go to Part III**)

For **Circuit, District, and Municipal Cases** (including appeals of those cases):

Name of Case D. [REDACTED] F. [REDACTED] v M. [REDACTED] F. [REDACTED]
Plaintiff or Appellant Defendant or Appellee

Case File No. 2020-[REDACTED] Court Name: 5th Judicial Circuit Court

For **Probate and Juvenile cases** (including appeals of those cases):

Name of Case: In re: _____
(Name of party)

Case File No. _____ Court Name: _____

For **all court cases**:

Please describe your relationship to the case or litigants:

I am a litigant in a divorce case

If you were a party in the case listed above, were you ever represented by an attorney? ☒ Yes ☐ No

If so: Attorney's Name: Attorney was not present Attorney's Phone # _____

Do you have any transcripts of the proceedings? ☒ Yes ☐ No If available, and they relate to your allegations, please provide **copies of the front page** of each transcript with **copies** of all relevant transcript pages. Please **retain original transcripts** for your records.

* * *

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PART III. PLEASE SET OUT THE FACTS YOU ALLEGE CONSTITUTE MISCONDUCT:

(Attach additional sheets, if necessary)

MCJC Canon 2(A,B): Abuse of Judicial Discretion, denial of due process, and appearance of impropriety.

September 15th, 2021, during a hearing for Motion to Withdraw (Exhibit A):

1. Defendant's attorney was not present. Owner of firm was present.
2. Owner stated that attorney had health problems for the previous and current week, and was not sure if they would return to the firm. Owner of firm stated that they would be out of the country on date of divorce hearing. (Exhibit, Page 3-4, Lines 14-25, 1-2)
3. Defendant made a motion for continuance, due to change of circumstance to retain another attorney. (Exhibit, Page 4, lines 19-25), (Exhibit, Page 5, lines 7-11)
4. Judge Alspaugh granted a motion to withdraw before considering continuance. Continuance was denied without consideration to the change of circumstance. (Exhibit, Page 5, lines 1-6)
5. Judge Alspaugh lied on the record, stating, "I cannot adjourn your trial". Judge had just grounds and proper discretion for continuance/adjournment given the change of circumstance.
5. Date of divorce trial was set for September 23rd 2021, which was 8 days after the September 15th 2021 Motion to Withdraw.
6. Defendant wasn't given time to retain another attorney, prepare Pro Se, assemble evidence, learn MCR, Civil Process, or prepare arguments for a complicated contested divorce involving 7 children.
7. Further complaint regarding ex parte communication between Judge and Plaintiff forthcoming in a separate complaint regarding September 23, 2021 divorce trial by discovery from court employee.

PART IV. I certify that I have reviewed the Judicial Tenure Commission's function, jurisdiction, and procedures. I further swear (or affirm) that the above information is true and accurate, and I have been duly sworn by the attesting notary public listed below. ▼

COMPLETE ENTIRE SECTION BELOW. ONLY ORIGINAL SIGNATURES OF PERSON(S) FILING GRIEVANCE & NOTARY, WITH NOTARY'S ORIGINAL SEAL OR STAMP, WILL BE ACCEPTED FOR FILING (NOTARY SIGNATURE & SEAL OR STAMP REQUIRED FOR EACH PERSON FILING- MAXIMUM OF TWO).

† Original signature: 1st Person filing Request for Investigation

Notary Section:

► Subscribed and sworn to before me, a Notary Public, on this _____

► notary sign here _____

My Notary Commission expires: 02/01/2025

1st Original Notary stamp or seal required here:

EMILY FOLKEMA
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF KENT
My Commission Expires February 1, 2025
Acting in the County of Kent

† Original signature: 2nd Person filing Request for Investigation

Notary Section:

► Subscribed and sworn to before me, a Notary Public on this _____ day of _____ 20____

► notary sign here _____

My Notary Commission expires: _____

2nd Original Notary stamp or seal required here: