

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERALMIKE COX  
ATTORNEY GENERALP.O. Box 30736  
LANSING, MICHIGAN 48909-8236

May 3, 2004

Frank J. Lawrence, Jr.  
941 Westview Road  
Bloomfield Hills, MI 48304

Dear Mr. Lawrence:

Re: Frank J. Lawrence, Jr. v Rae Lee Chabot, et al;  
U.S. District Court No. 4:03-CV-0020

Dear Mr. Lawrence:

As I indicated to you during our telephone conversation of May 3, 2004, a response would be provided in connection with the subpoena issued to the Judicial Tenure Commission. There are no documents that fall within the scope of this request. I have provided a copy of the Affidavit of Paul J. Fischer, which attests to this fact.

Very truly yours,

A handwritten signature in cursive script that reads "Denise C. Barton".

Denise C. Barton  
Assistant Attorney General  
Public Employment, Elections  
& Tort Division  
(517) 373-6434

DCB/jad

Enclosure

cc: John Oostema  
E. Thomas McCarthy  
2003005545A/lawrence6

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

FRANK J. LAWRENCE, JR.,

Plaintiff,

No. 4:03-CV-0020

v

Hon. David W. McKeague

RAE LEE CHABOT, in her official capacity and all  
Board Members of the MICHIGAN BOARD OF LAW  
EXAMINERS, JOHN BERRY, in his official capacity  
as Executive Director OF THE STATE BAR OF  
MICHIGAN, MAURA CORRIGAN, in her official  
capacity and all Justices of the MICHIGAN SUPREME  
COURT, DIANE VAN AKEN, in her individual  
capacity, and NICOLE ARMBRUSTMACHER, in her  
individual capacity,

Magistrate Joseph G. Scoville

Defendants.

Frank J. Lawrence, Jr.  
In Pro Per

John R. Oostema (P26891)  
E. Thomas McCarthy (P28714)  
Attorneys for Defendants Diane VanAken and  
Nicole Armbrustmacher

Denise C. Barton (P41535)  
Attorney for the Judicial Tenure Commission  
Michigan Department of Attorney General  
Public Employment, Elections & Tort Division  
P.O. Box 30736  
Lansing, MI 48909  
(517) 373-6434

AFFIDAVIT OF PAUL J. FISCHER

Paul J. Fischer, being first duly sworn, deposes and says:

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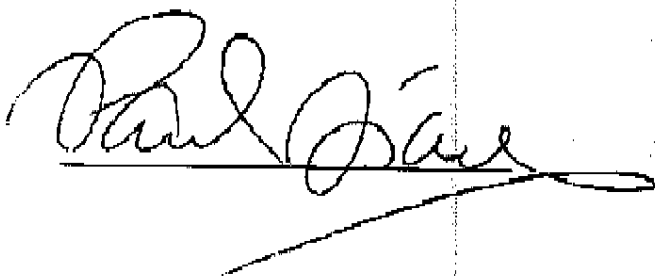
I am the Executive Director and General Counsel of the Michigan Judicial Tenure Commission (Commission).

On April 6, 2004, the United States District Court (Eastern Division) issued an order sustaining the assertion of the Judicial Tenure Commission (JTC) that a deliberative process privilege exists in connection with inquiries before the JTC. However, that order rejected the JTC's assertion that a blanket privilege exists under state law, which should be recognized by federal law.

In order to comply with this discovery order and without waiving any right of the JTC to litigate any issues or positions with respect to its assertion that a blanket privilege exists over its investigative files under state law which should be recognized by federal law, the JTC states that it does not have in its possession any documents that fall within the scope of the discovery order, which ordered the production of:

"all memoranda of interview and other factual materials generated in investigation no. 02-14077, reflecting communications between the Honorable Edward Avadenka and Diane Van Aken, Nicole Armbrustmacher or Thomas Ryan concerning Frank J. Lawrence, Jr."

Further Affiant sayeth not.



Subscribed and sworn to before me this 3<sup>rd</sup> day of May, 2004.

*Camilla Thompson*  
Notary Public, *Wayne* County, MI  
My commission expires: *1-26-05*  
2003005545/aff/fischer