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August 20, 2008

Mr. Kelly Keenan Esq.
Legal Counsel to the Governor
111 South Capitol Avenue
Lansing, Michigan 48909

Re: Letter from Mr. Goodman dated August 18, 2008 but faxed to me August 20, 2008

Dear Mr. Keenan,

I am in receipt of Mr. Goodman's letter, of two days ago, in which he, once again, demeans and insults me for corresponding with you concerning a matter of importance to my client. For the record, we have both engaged in correspondence with you, which you encouraged, as I recall.

With his usual lack of citation to any authority, save that in his own imagination, Mr. Goodman avers that there is no doubt or serious challenge to the Governor's authority, under the law to undertake removal for "official misconduct". Indeed, that is exactly the point: There is no case law that suggests that engaging in one's official duties (i.e.: settlement of cases) is a basis for a finding of misconduct. The argument has been made by us that this removal effort sets a dangerous precedent for executive officials. Indeed, it is unlikely that anyone would take the risk of running for office if every decision that falls within his or her responsibility, can be questioned in this manner.

Mr. Goodman suggested that he is being "ambushed" by my letter to you: In fact, he received a copy of my letter the day I sent it to you, not two days later -- which is when he sent me his response. Moreover, your Prehearing Order makes it very clear that there is a briefing schedule and that only those briefs and motions are permitted. The only exception to that rule would seem to be where you have specifically asked for additional legal research or otherwise indicated that a motion might be filed on an issue.

Mr. Goodman should stop whining and attend to the needs of his clients. We all have a deadline to meet today and his constant complaining is interrupting the preparation that is necessary to our efforts to attend to the needs of our client. It appears that Mr. Goodman's previous commitment to discontinue the insulting remarks has been withdrawn: If there is anything that is unprofessional in this process, it is Mr. Goodman's failure to keep his word.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon McPhail".

Sharon McPhail

Cc: William Goodman
David Whitaker
James Thomas