

People v Loew (164133)—Claude AI generated briefing outlines

MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
<p>MSC docket entries.</p> <p>MSC online case summary:</p> <p>The defendant was convicted by a jury of multiple counts of first-degree criminal sexual conduct, second-degree criminal sexual conduct, and third-degree criminal sexual conduct. While his appeal of right was pending, he learned that, during the trial, the trial judge had initiated ex parte email communications with the elected county prosecuting attorney, inquiring about specific aspects of this case. On the defendant's motion, a different judge granted him a new trial because the ex parte communications created the appearance of impropriety. The Court of Appeals reversed in a 2-1 published opinion, concluding in part that the emails amounted only to acceptable administrative matters. The Supreme Court has granted leave to appeal to address: (1) whether the Court of Appeals correctly concluded that the ex parte communications in</p>	<p>1.0 Case name(s): [link to brief] People of the State of Michigan v. Daniel Albert Loew [validated]</p> <p>1.1 Court name: Supreme Court for the State of Michigan [validated]</p> <p>1.2 Docket (or file) number(s): Docket No. 352056 [validated] <i>(the brief listed only the COA number)</i></p> <p>1.3 Names of Court of Appeals judges (if any): There is no list of Court of Appeals judges in the brief. The brief mentions there was one dissenting opinion in the Court of Appeals decision. [validated]</p> <p>1.4 Name of Court of Claims judge (if any): No Court of Claims judge is mentioned. [validated]</p>	<p>1.0 Case name(s): [link to brief] The People of the State of Michigan v. Daniel Albert Loew [validated]</p> <p>1.1 Court name: Supreme Court of Michigan [validated]</p> <p>1.2 Docket (or file) number(s): No. 164133 [validated]</p> <p>1.3 Names of Court of Appeals judges (if any): N/A [validated]</p> <p>1.4 Name of Court of Claims judge (if any): N/A [validated]</p>	<p>1.0 Case name(s): [link to brief] People of the State of Michigan v. Daniel Albert Loew [validated]</p> <p>1.1 Court name: Supreme Court of Michigan [validated]</p> <p>1.2 Docket (or file) number(s): No. 164133 [validated]</p> <p>1.3 Names of Court of Appeals judges (if any): N/A [validated]</p> <p>1.4 Name of Court of Claims judge (if any): N/A [validated]</p>	<p>1.0 Case name(s): [link to brief] People of the State of Michigan v. Daniel Albert Loew [validated]</p> <p>1.1 Court name: Supreme Court of Michigan [validated]</p> <p>1.2 Docket (or file) number(s): No. 164133 [validated]</p> <p>1.3 Names of Court of Appeals judges (if any): N/A [validated]</p> <p>1.4 Name of Court of Claims judge (if any): N/A [validated]</p>

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<p>this case did not violate Canon 3(A)(4)(a)(i) of the Code of Judicial Conduct because they were merely administrative in nature; (2) whether a trial court may properly grant a new trial in a criminal case based on an appearance of impropriety where Canon 3(A)(4) governs the conduct at issue, see In re Haley, 476 Mich 180, 194-195 (2006); (3) if the ex parte communications here give rise to legal error for either a violation of Canon 3(A)(4)(a) or an appearance of impropriety, whether the standard for ascertaining reversible prejudice requires a showing of actual harm to the defense, or is instead determined by weighing other factors as well, see, e.g., Liljeberg v Health Servs Acquisition Corp, 486 US 847 (1988); and (4) whether the defendant is entitled to a new trial under MCR 2.003 or constitutional guarantees of due process of law.</p>	<p>1.5 Name of Circuit Court judge and county (if any): Honorable Margaret Zuzich Bakker of the 48th Circuit Court in Allegan County, Michigan [validated]</p> <p>1.6 Brief title: DEFENDANT-APPELLANT'S BRIEF [validated]</p> <p>1.7 Date brief filed: November 29, 2022 [validated]</p> <p>1.8 Name of attorney(s) who signed the brief: Heath M. Lynch (P81483) and Laura J. Helderop (P82224) [validated]</p>	<p>1.5 Name(s) of Circuit Court judge and county (if any): Honorable Margaret Zuzich Bakker, Circuit Court for County of Allegan [validated] Honorable William A. Baillargeon, Circuit Court for County of Allegan [validated]</p> <p>1.6 Brief title: Plaintiff-Appellee's Brief on Appeal [validated]</p> <p>1.7 Date brief filed: January 30, 2023 [Claude lists typed date from signature page, not efilng watermark]</p> <p>1.8 Name of attorney(s) who signed the brief: Molly S. Schikora [validated]</p>	<p>1.5 Name(s) of Circuit Court judge and county (if any): Honorable Margaret Zuzich Bakker, Circuit Court for County of Allegan [validated]</p> <p>1.6 Brief title: Criminal Defense Attorneys of Michigan's Amicus Curiae Brief [validated]</p> <p>1.7 Date brief filed: 2/17/2023 [validated]</p> <p>1.8 Name of attorney(s) who signed the brief: Lydia Fields [validated]</p>	<p>1.5 Name(s) of Circuit Court judge and county (if any): Hon. Margaret Zuzich Bakker, Circuit Court for County of Allegan [validated]</p> <p>1.6 Brief title: Brief by Prosecuting Attorneys Association of Michigan as Amicus Curiae in Support of People of the State of Michigan [validated]</p> <p>1.7 Date brief filed: February 22, 2023 [validated]</p> <p>1.8 Name of attorney(s) who signed the brief: Timothy A. Baughman [validated]</p>

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	<p>2.0 Statement of facts or counterstatement of facts (list the brief page number(s) in parenthesis): [Claude left empty]</p> <p>2.1 Relationship or status of parties (include parties' full names):</p> <p>Plaintiff-Appellee: People of the State of Michigan Defendant-Appellant: Daniel Albert Loew [validated]</p>	<p>2.0 Statement of facts or counterstatement of facts (list the brief page number(s) in parenthesis): [Claude left empty]</p> <p>2.1 Relationship or status of parties (include parties' full names):</p> <ul style="list-style-type: none"> Plaintiff-Appellee: The People of the State of Michigan [validated] Defendant-Appellant: Daniel Albert Loew [validated] 	<p>2.0 Statement of facts or counterstatement of facts (list the brief page number(s) in parenthesis): [Claude left empty]</p> <p>2.1 Relationship or status of parties (include parties' full names):</p> <ul style="list-style-type: none"> Plaintiff-Appellee: People of the State of Michigan [validated] Defendant-Appellant: Daniel Albert Loew [validated] 	<p>2.0 Statement of facts or counterstatement of facts (list the brief page number(s) in parenthesis): [Claude left empty]</p> <p>2.1 Relationship or status of parties (include parties' full names):</p> <ul style="list-style-type: none"> Plaintiff-Appellee: People of the State of Michigan [validated] Defendant-Appellant: Daniel Albert Loew [validated]

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	<p>2.2 Legally relevant facts (facts tending to prove or disprove an issue before the court):</p> <ul style="list-style-type: none"> • Daniel Albert Loew was charged with 5 counts of criminal sexual conduct (CSC) (pg. 1) [validated] • His trial began on August 27, 2019 before Judge Bakker (pg. 1) [validated] • During the trial, Judge Bakker engaged in ex parte email communications with the elected Allegan County Prosecutor, Myrene Koch, about the quality of the investigation and witnesses. This occurred on the first and second day of trial. (pgs. 2-3) [validated] • Mr. Loew was convicted on all counts on August 29, 2019. (pg. 5) [wrong page listed] • Mr. Loew later learned about the ex parte 	<p>2.2 Legally relevant facts (facts tending to prove or disprove an issue before the court):</p> <ul style="list-style-type: none"> • Judge Bakker presided over Defendant's jury trial and sentencing (p. viii). [validated] • Judge Bakker sent emails to the prosecutor during trial about the case (p. xv-xvi). [validated] • The emails were not disclosed to the defense at trial (p. xvi). [untrue characterization of listed page] • The defense learned of the emails after trial through a FOIA request (p. xvi). [untrue characterization of listed page] 	<p>2.2 Legally relevant facts (facts tending to prove or disprove an issue before the court):</p> <ul style="list-style-type: none"> • During Mr. Loew's trial, the presiding judge emailed the prosecutor about the case (p. 2). [Claude listed the wrong page number (should be pg. 3)] • The judge initiated multiple ex parte emails with the prosecutor regarding the assigned detective's investigation and testimony (p. 3). [validated] • The judge did not notify the defense about these emails (p. 3). [validated] • The judge titled one email "trial" and referenced the specific case in the body of the emails (p. 8). [validated] • The emails came to light after an election challenge and FOIA request, not 	<p>2.2 Legally relevant facts (facts tending to prove or disprove an issue before the court):</p> <ul style="list-style-type: none"> • The trial judge emailed the prosecutor during trial about the case investigation (p. 3). [validated] • The judge did not disclose the emails to the defense at trial (p. 3). [validated] • The emails concerned weaknesses in the investigation, not substantive trial issues (p. 9-11). • The emails did not provide a tactical advantage to the prosecution (p. 4, 9-12).

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	<p>communications and filed a motion for a new trial arguing judicial misconduct based on the improper communications. (pg. 5) [inartful word choice and questionable page listing]</p> <p>2.3 Procedurally significant facts (set out the (a) cause of action, (b) the requested relief, and (c) any raised defenses):</p> <p>(a) Cause of action is judicial misconduct based on improper ex parte communications</p> <p>(b) Requested relief is a new trial</p> <p>(c) No defenses raised in brief</p> <p>2.4 Acronym(s) defined:</p> <p>CSC - Criminal Sexual Conduct</p> <p>MSP - Michigan State Police</p> <p>APA - Assistant Prosecuting Attorney</p>	<p>2.3 Procedurally significant facts (set out the (a) cause of action, (b) the requested relief, and (c) any raised defenses):</p> <p>(a) Appeal from order granting Defendant a new trial based on Judge's emails.</p> <p>(b) Plaintiff seeks reversal of the new trial order.</p> <p>(c) Defendant claims the emails showed judicial bias requiring a new trial.</p> <p>2.4 Acronym(s) defined:</p> <p>CSC - Criminal Sexual Conduct (p. viii)</p> <p>FOIA - Freedom of Information Act (p. xvi)</p>	<p>from the judge or prosecutor (p. 19). [validated]</p> <p>2.3 Procedurally significant facts (set out the (a) cause of action, (b) the requested relief, and (c) any raised defenses):</p> <p>(a) Appeal from the Court of Appeals reversing the trial court's order granting a new trial. [validated]</p> <p>(b) Mr. Loew seeks reversal of the Court of Appeals decision and reinstatement of the new trial order. [validated]</p> <p>(c) The prosecution argues the ex parte emails were harmless.</p> <p>2.4 Acronym(s) defined:</p> <p>CDAM - Criminal Defense Attorneys of Michigan (p. 1)</p> <p>FOIA - Freedom of Information Act (p. 19)</p>	<p>2.3 Procedurally significant facts (set out the (a) cause of action, (b) the requested relief, and (c) any raised defenses):</p> <p>(a) Appeal from order granting new trial based on judge's emails</p> <p>(b) Prosecution seeks reversal of the new trial order</p> <p>(c) Defendant claims the emails showed bias requiring a new trial</p> <p>2.4 Acronym(s) defined:</p> <p>None</p>

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	<p>2.5 Important constitutional provisions at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <p>6th Amendment right to counsel (pg. 15) [the brief uses "ineffective assistance" of counsel] https://www.law.cornell.edu/constitution/sixth_amendment [good link]</p> <p>Due process rights (pgs. 20-23) https://www.law.cornell.edu/wex/due_process [good link] [validated]</p>	<p>2.5 Important constitutional provisions at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <p>None cited</p>	<p>2.5 Important constitutional provisions at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <ul style="list-style-type: none"> • U.S. Const. amend. XIV (p. 10) - https://www.law.cornell.edu/constitution/amendmentxiv [good link] • Const. 1963, art. 1, § 17 (p. 10) - http://www.legislature.mi.gov/(S(0s1b3kazdg3ljq4h3x4lxi1))/mileg.aspx?page=GetObject&objectname=mc-Article-I-17 [good link] 	<p>2.5 Important constitutional provisions at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <p>None cited</p>

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	<p>2.6 Important laws listed (and include the brief page number(s) and url reference links in parenthesis):</p> <p>MCL 750.520B(1)(f) - CSC First Degree (pg. 1) http://legislature.mi.gov/doc.aspx?mcl-750-520b [good link]</p> <p>MCL 750.520C(1)(f) - CSC Second Degree (pg. 1) http://legislature.mi.gov/doc.aspx?mcl-750-520c [good link]</p> <p>MCL 750.520D(1)(a) - CSC Third Degree (pg. 1) http://legislature.mi.gov/doc.aspx?mcl-750-520d [good link]</p>	<p>2.6 Important laws listed (and include the brief page number(s) and url reference links in parenthesis):</p> <p>MCL 750.520b(1)(f) (p. viii) - http://www.legislature.mi.gov/(S(3q0orj5yoxuafr3xq0glifvw))/mileg.aspx?page=GetObject&objectname=mcl-750-520b [good link]</p> <p>MCL 750.520c(1)(f) (p. viii) - http://www.legislature.mi.gov/(S(3q0orj5yoxuafr3xq0glifvw))/mileg.aspx?page=GetObject&objectname=mcl-750-520c [good link]</p> <p>MCL 750.520d(1)(a)-(b) (p. viii) - http://www.legislature.mi.gov/(S(3q0orj5yoxuafr3xq0glifvw))/mileg.aspx?page=GetObject&objectname=mcl-750-520d [good link]</p> <p>MCL 769.11 (p. vii) - http://www.legislature.mi.gov/(S(3q0orj5yoxuafr3xq0glifvw))/mileg.aspx?page=getObject&objectName=mcl-769-11 [good link]</p>	<p>N/A</p>	<p>2.6 Important laws listed (and include the brief page number(s) and url reference links in parenthesis):</p> <ul style="list-style-type: none"> MCL 769.26 (p. 5) - http://legislature.mi.gov/doc.aspx?mcl-769-26 [good link]

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	<p>2.7 Important regulation names and citations at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <p>None mentioned [validated]</p> <p>2.8 Important case law names and citations at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <p>People v France, 436 Mich 138; 461 NW2d 621 (1990) (pgs. 8, 14) https://casetext.com/case/people-v-france-2 [wrong link]</p> <p>Grievance Adm'r v Lopatin, 462 Mich 235; 612 NW2d 120 (2000) (pgs. 8, 13, 15) https://casetext.com/case/grievance-administrator-v-lopatin [wrong link]</p> <p>Hereford v Warren, 536 F3d 523 (CA 6, 2008) (pg. 9)</p>	<p>2.7 Important regulation names and citations at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <p>None cited [validated]</p> <p>2.8 Important case law names and citations at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <ul style="list-style-type: none"> Cain v. Michigan Dept of Corrections, 451 Mich 470 (1996) (p. 1, 20) - https://casetext.com/case/cain-v-dept-of-corrections [bad link] People v. France, 436 Mich 138 (1990) (p. 6, 11, 23) - https://casetext.com/case/people-v-france-5 [wrong link] People v. Hereford, unpublished per curiam opinion of the Court of 	<p>2.7 Important regulation names and citations at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <ul style="list-style-type: none"> 28 CFR § 76.15(a) (p. 4) - https://www.law.cornell.edu/cfr/text/28/76.15 [good link] <p>2.8 Important case law names and citations at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <ul style="list-style-type: none"> Liljeberg v Health Servs Acquisition Corp, 486 US 847 (1988) (p. 17) - https://supreme.justia.com/cases/federal/us/486/847/ [good link] Arizona v. Fulminante, 499 U.S. 279 (1991) (p. 13) - https://supreme.justia.com/cases/federal/us/499/279/ [good link] People v France, 436 Mich 138 (1990) (p. 13) - https://casetext.com/cas 	<p>2.7 Important regulation names and citations at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <p>None cited [validated]</p> <p>2.8 Important case law names and citations at issue (and include the brief page number(s) and url reference links in parenthesis):</p> <ul style="list-style-type: none"> Liljeberg v Health Servs Acquisition Corp, 486 US 847 (1988) (p. 3, 14-16) - https://supreme.justia.com/cases/federal/us/486/847/ [good link] People v. Lukity, 460 Mich. 484 (1999) (p. 5) - https://casetext.com/case/people-v-lukity-2 [wrong link] In re Haley, 476 Mich 180 (2006) (p. 3, 8, 12-13) - https://casetext.com/cas

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	<p>https://casetext.com/case/herford-v-warren-2 [wrong link]</p> <p>Shields v United States, 273 US 583; 47 S Ct 478 (1927) (pg. 22) https://supreme.justia.com/cases/federal/us/273/583/ [good link]</p> <p>Rogers v United States, 422 US 35; 95 S Ct 2091 (1975) (pg. 22) https://supreme.justia.com/cases/federal/us/422/35/ [good link]</p> <p>United States v Barnwell, 477 F3d 844 (CA 6 2007) (pg. 22) https://casetext.com/case/us-v-barnwell-3 [wrong link]</p> <p>Liljeberg v Health Servs Acquisition Corp, 486 US 847; 108 S Ct 2194 (1988) (pgs. 17, 24, 25) https://supreme.justia.com/cases/federal/us/486/847/ [good link]</p> <p>2.9 Important dictionary definition terms at issue (list the brief page number(s) in parenthesis):</p> <p>None mentioned [validated]</p>	<p>Appeals, issued January 28, 2003 (Docket No. 227296) (p. 8-11, 20, 23)</p> <ul style="list-style-type: none"> Liljeberg v Health Servs Acquisition Corp, 486 US 847 (1988) (p. 23) https://supreme.justia.com/cases/federal/us/486/847/ [good link] In re Haley, 476 Mich 180 (2006) (p. 23) https://casetext.com/case/in-re-hon-wade-h-mccree [bad link] People v. Stevens, 498 Mich 162 (2015) (p. 21) https://casetext.com/case/people-v-stevens-728 [bad link] <p>2.9 Important dictionary definition terms at issue (list the brief page number(s) in parenthesis):</p> <p>None cited [validated]</p>	<p>e/people-v-france-5 [wrong link]</p> <ul style="list-style-type: none"> In re Haley, 476 Mich 180 (2006) (p. 10) https://casetext.com/case/in-re-hon-wade-h-mccree [wrong link] United States v Barnwell, 477 F3d 844 (6th Cir. 2007) (p. 14) https://casetext.com/case/united-states-v-barnwell-3 [wrong link] <p>2.9 Important dictionary definition terms at issue (list the brief page number(s) in parenthesis):</p> <p>N/A [validated]</p>	<p>e/in-re-hon-wade-h-mccree [wrong link]</p> <p>2.9 Important dictionary definition terms at issue (list the brief page number(s) in parenthesis):</p> <p>None cited [validated]</p>

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	<p>3.0 Procedural history (the case disposition in the lower courts):</p> <p>The trial court (Judge Baillargeon) granted Mr. Loew's motion for a new trial based on the improper ex parte communications between Judge Bakker and the prosecutor during trial. (pg. 6) [validated]</p> <p>The prosecution appealed the order granting a new trial. (pg. 6) [validated]</p> <p>The Court of Appeals reversed the order granting a new trial in a 2-1 decision. (pg. 6) [validated]</p> <p>Mr. Loew appealed the Court of Appeals decision to the Michigan Supreme Court. (pg. 6) [validated]</p> <p>3.1 The lower court(s) decisions:</p> <p>The trial court granted a new trial. [validated]</p> <p>The Court of Appeals reversed the order granting a new trial. [validated]</p>	<p>3.0 Procedural history (the case disposition in the lower courts):</p> <ul style="list-style-type: none"> Defendant was convicted by a jury in Circuit Court. [validated] The Circuit Court granted Defendant's motion for a new trial based on the emails. [validated] The Court of Appeals reversed the grant of a new trial. [validated] <p>3.1 The lower court(s) decisions:</p> <ul style="list-style-type: none"> The Circuit Court granted a new trial. [validated] The Court of Appeals reversed the new trial grant. [validated] 	<p>3.0 Procedural history (the case disposition in the lower courts):</p> <ul style="list-style-type: none"> Mr. Loew was convicted at a jury trial in Allegan County Circuit Court. [validated] The trial court granted Mr. Loew's motion for a new trial based on the ex parte emails. [validated] The Court of Appeals reversed the trial court's order granting a new trial. [validated] <p>3.1 The lower court(s) decisions:</p> <ul style="list-style-type: none"> The Circuit Court granted a new trial. [validated] The Court of Appeals reversed the grant of a new trial. [validated] 	<p>3.0 Procedural history (the case disposition in the lower courts):</p> <ul style="list-style-type: none"> Defendant was convicted by a jury in Circuit Court. [validated] The Circuit Court granted Defendant's motion for a new trial based on the emails. [validated] The Court of Appeals reversed the grant of a new trial. [validated] <p>3.1 The lower court(s) decisions:</p> <ul style="list-style-type: none"> The Circuit Court granted a new trial. [validated] The Court of Appeals reversed the grant of a new trial. [validated]

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	<p>3.2 Any awarded damages: No damages awarded. [validated]</p> <p>3.3 Who appealed and why: Mr. Loew appealed the Court of Appeals decision to the Michigan Supreme Court because he believes the ex parte communications violated his right to due process and entitled him to a new trial. [validated]</p>	<p>3.2 Any awarded damages: None [validated]</p> <p>3.3 Who appealed and why: Defendant appealed the Court of Appeals decision reversing the grant of a new trial, arguing the emails showed judicial bias requiring a new trial. [validated]</p>	<p>3.2 Any awarded damages: N/A [validated]</p> <p>3.3 Who appealed and why: Mr. Loew appealed the Court of Appeals decision reversing his new trial grant. He contends the ex parte emails violated his due process rights. [validated]</p>	<p>3.2 Any awarded damages: None [validated]</p> <p>3.3 Who appealed and why: Defendant appealed, arguing the emails showed judicial bias requiring a new trial. [validated]</p>

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<p>MSC briefing order:</p> <p>The parties shall include among the issues to be briefed:</p> <p>(1) whether the Court of Appeals correctly concluded that the ex parte communications in this case did not violate Canon 3(A)(4)(a)(i) of the Code of Judicial Conduct because they were merely administrative in nature;</p> <p>(2) whether a trial court may properly grant a new trial in a criminal case based on an appearance of impropriety where Canon 3(A)(4) governs the conduct at issue, see <i>In re Haley</i>, 476 Mich 180, 194-195 (2006);</p> <p>(3) if the ex parte communications here give rise to legal error for either a violation of Canon 3(A)(4)(a) or an appearance of impropriety, whether the standard for ascertaining reversible prejudice requires a showing of actual harm to the defense, or is instead determined by weighing other factors as well, see, e.g., <i>Liljeberg</i></p>	<p>4.0 Questions presented or statement of questions (list the brief page number(s) in parenthesis): [link to brief]</p> <p>I. Did the Court of Appeals correctly conclude that the ex parte communications in this case did not violate Canon 3(A)(4)(a)(i) of the Code of Judicial Conduct because they were merely administrative in nature? (pg. vi) [validated]</p> <p>II. Does an appearance of impropriety occur where a trial judge violates Canon 3(A)(4)? (pg. vi) [validated]</p> <p>III. Is Defendant-Appellant required to show actual harm? (pg. vi) [validated]</p> <p>IV. Is Defendant-Appellant entitled to a new trial? (pg. vi) [validated]</p>	<p>4.0 Questions presented or statement of questions (list the brief page number(s) in parenthesis): [link to brief]</p> <p>During the course of the jury trial, the presiding judge sent emails to the elected county prosecutor. The emails showed no bias against Defendant or prejudice to him, provided no tactical advantage, and did not reference issues on the merits. On the basis of the emails, is Defendant-Appellant entitled to a new trial? (p. vii) [validated]</p>	<p>4.0 Questions presented or statement of questions (list the brief page number(s) in parenthesis): [link to brief]</p> <ul style="list-style-type: none"> I. Did the ex parte communication in this case violate Canon 3(a)(4)(a)(i) of the Code of Judicial Conduct? (p. iv) [validated] II. Did the trial court properly grant a new trial when it found that the ex parte communications created an appearance of impropriety? (p. iv) [validated] III. Should the standard for establishing reversible error be governed by <i>Liljeberg</i>? (p. iv) [validated] IV. Is Mr. Loew entitled to a new trial under MCR 2.003 or constitutional guarantees of due process of law? (p. iv) [validated] 	<p>4.0 Questions presented or statement of questions (list the brief page number(s) in parenthesis): [link to brief]</p> <p>I. No non-constitutional error may result in reversal unless it affirmatively appears that the error caused a miscarriage of justice, which is to say that the defendant must show it is more probable than not that without the error there would have been a different result. The trial judge erred under the Code of Judicial Conduct in failing to disclose e-mail contacts during trial with the elected prosecutor, but those contacts gave no procedural or tactical advantage to the prosecution, and do not constitute constitutional error. Has defendant shown a miscarriage of justice? (p. 1) [validated]</p>

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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
<p>v Health Servs Acquisition Corp, 486 US 847 (1988); and</p> <p>(4) whether the defendant is entitled to a new trial under MCR 2.003 or constitutional guarantees of due process of law.</p>	<p>4.1 Brief answer to each legal question: [validated]</p> <p>I. No, the communications were substantive, not administrative.</p> <p>II. Yes, violating Canon 3(A)(4) creates an appearance of impropriety.</p> <p>III. No, actual harm need not be shown for substantive ex parte communications.</p> <p>IV. Yes, Mr. Loew's due process rights were violated entitling him to a new trial.</p>	<p>4.1 Brief answer to each legal question:</p> <p>No [untrue characterization of page vii]</p>	<p>4.1 Brief answer to each legal question:</p> <ul style="list-style-type: none"> • I. Yes [validated] • II. Yes [validated] • III. Yes [validated] • IV. Yes, as to both [validated] 	<p>4.1 Brief answer to each legal question:</p> <p>No [validated]</p>

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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>4.1.1 The disputed point(s) of law:</p> <ul style="list-style-type: none"> • Whether the ex parte communications were administrative or substantive in nature • Whether an appearance of impropriety results from a Canon 3(A)(4) violation • Whether actual harm must be shown for a Canon 3(A)(4) violation • Whether the communications violated Mr. Loew's due process rights 	<p>4.1.1 The disputed point(s) of law:</p> <ul style="list-style-type: none"> • Whether ex parte emails between a judge and prosecutor require a new trial based on bias or prejudice. • The standard for determining if ex parte communications necessitate a new trial. 	<p>4.1.1 The disputed point(s) of law:</p> <ul style="list-style-type: none"> • Whether the ex parte emails violated judicial ethics rules and due process rights. • The proper standard to apply when ex parte communications create an appearance of impropriety. • Whether Mr. Loew is entitled to a new trial based on the ex parte emails. 	<p>4.1.1 The disputed point(s) of law:</p> <ul style="list-style-type: none"> • Whether the judge's failure to disclose emails requires reversal absent a showing of prejudice or miscarriage of justice. • The applicability of judicial ethics rules to require a new trial.

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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>4.1.2 The key case facts related to the disputed point(s) of law (legally relevant facts): [link to brief]</p> <ul style="list-style-type: none"> The trial judge communicated ex parte via email with the prosecutor during Mr. Loew's trial about the quality of investigation and witnesses. (pgs. 2-3) [validated] The communications were not revealed to Mr. Loew or his counsel during trial. (pg. 14) [Claude listed the wrong page number; should be pg. 15] The communications addressed substantive trial issues like witness credibility. (pgs. 3, 10) [Claude did not list pg. 7, 15, etc.] Mr. Loew learned about the communications a year after his conviction. (pg. 5) [Claude listed the 	<p>4.1.2 The key case facts related to the disputed point(s) of law (legally relevant facts):</p> <ul style="list-style-type: none"> The judge initiated ex parte emails with the prosecutor about the trial (p. xv-xvi). The emails were not disclosed to the defense during trial (p. xvi). The emails did not show bias or provide a tactical advantage (p. 1-26). 	<p>4.1.2 The key case facts related to the disputed point(s) of law (legally relevant facts):</p> <ul style="list-style-type: none"> The judge initiated ex parte emails with the prosecutor during trial (p. 3). [validated] The emails concerned the trial and investigation, not just administrative matters (p. 8). [validated] The judge did not notify the defense about the emails (p. 3). [validated] The emails came to light after an election challenge and FOIA request (p. 19). [validated] 	<p>4.1.2 The key case facts related to the disputed point(s) of law (legally relevant facts):</p> <ul style="list-style-type: none"> The judge emailed the prosecutor about weaknesses in the investigation (p. 2, 9-11). The emails were not disclosed to the defense at trial (p. 2). The emails did not address substantive trial issues or provide a tactical advantage (p. 2, 9-12).

MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
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	<p>wrong page number; should be pg. 15]</p> <p>5.0 Party or amicus arguments:</p> <p>No amicus arguments.</p> <p>Mr. Loew argues the ex parte communications were substantive, violated Canon 3(A)(4), created an appearance of impropriety, violated his due process rights, and entitle him to a new trial without showing actual harm.</p> <p>The prosecution argues the communications were administrative, did not violate Canon 3(A)(4), and Mr. Loew must show actual harm to get a new trial.</p>	<p>5.0 Party or amicus arguments:</p> <p>The Plaintiff argues:</p> <ul style="list-style-type: none"> • The emails were administrative and non-substantive (p. 5-7, 22-24). • The emails showed no bias or prejudice against Defendant (p. 1, 11, 19-20, 25). • Defendant cannot show a reasonable possibility of prejudice from the emails (p. 6-7, 11, 23-25). • Any misconduct does not require reversal absent actual prejudice (p. 9-11, 20, 23-24). 	<p>5.0 Party or amicus arguments:</p> <p>CDAM argues:</p> <ul style="list-style-type: none"> • The ex parte emails violated judicial ethics rules (p. 3). [validated] • The Liljeberg standard should apply to determine if a new trial is warranted (p. 17). [validated] • All 3 Liljeberg factors support granting a new trial (p. 18). [validated] • The trial court properly applied the appearance of impropriety standard (p. 11). [validated] • Mr. Loew is entitled to a new trial under court rules and due process guarantees (p. 21). [validated] 	<p>5.0 Party or amicus arguments:</p> <p>The amicus argues:</p> <ul style="list-style-type: none"> • The emails did not violate Canon 3(A)(4) as they were not substantive (p. 9-11). • The judicial canons do not create enforceable rights (p. 7-8). • Absent a constitutional violation, reversal requires a miscarriage of justice, which is not shown (p. 5, 15). • The failure to disclose the emails does not demonstrate actual bias or prejudice (p. 4, 11-12).
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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>6.0 Applicable law(s) or legal principle(s): (The rule(s) of law that the brief claims determine the parties' substantive rights. The rule(s) of law could be based on constitution, statute, case law, regulation, or court rule. The rule(s) or legal principle(s) may be expressly stated in the opinion or it may be implied.)(And include url reference links.)</p> <ul style="list-style-type: none"> Code of Judicial Conduct Canon 3(A)(4) - prohibits judges from initiating or considering improper ex parte communications (pgs. 7-8) https://mjieducation.mi.gov/documents/cannon-3-impartiality/ [wrong link] Substantive ex parte communications violate due process (pgs. 20-23) Violations of Canon 3(A)(4) create an appearance of impropriety (pg. 13) Substantive ex parte communications are 	<p>6.0 Applicable law(s) or legal principle(s):</p> <ul style="list-style-type: none"> Judicial ex parte communications are prohibited except regarding scheduling or administrative matters (Canon 3(A)(4) of Michigan Code of Judicial Conduct) (p. 5) - http://cjc.courts.mi.gov/rules/documents/cjcnonpub2.pdf [bad link] Reversible error for ex parte communications requires a showing of prejudice or reasonable possibility of prejudice (People v. France) (p. 6-7, 23) - https://casetext.com/case/people-v-france-5 [wrong link] Harmless error analysis applies absent actual influence on the proceedings (People v. 	<p>6.0 Applicable law(s) or legal principle(s):</p> <ul style="list-style-type: none"> Canon 3(A)(4) of the Michigan Code of Judicial Conduct prohibits ex parte communications except regarding scheduling or administrative matters (p. 3) - http://cjconline.org/canon-3-a-judges-professional-responsibilities/ [bad link] Liljeberg v Health Servs Acquisition Corp established a 3-factor test to determine if an appearance of impropriety warrants a new trial (p. 17) - https://supreme.justia.com/cases/federal/us/486/847/ [good link] Due process under U.S. Const. amend. XIV and Const. 1963, art. 1, § 17 guarantees defendants a fair trial (p. 10) MCR 2.003 allows for judicial disqualification 	<p>6.0 Applicable law(s) or legal principle(s):</p> <ul style="list-style-type: none"> The judicial canons do not create enforceable rights (p. 7-8). Absent constitutional error, reversal requires a miscarriage of justice under MCL 769.26 (p. 5). Violating the judicial canons does not necessitate reversal absent actual bias or prejudice (p. 7-13).

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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>presumed prejudicial (pg. 14)</p> <ul style="list-style-type: none"> Liljeberg factors determine if violation of appearance of impropriety standard requires new trial (pgs. 17-18) https://www.law.cornell.edu/supremecourt/text/486/847 [good link] 	<p>Hereford) (p. 8-11, 20, 23-24)</p>	<p>and protects parties from bias or impropriety (p. 21) - https://cmspublic.3rdcc.org/CaseLaw/MCR/2-003.pdf [bad link]</p>	

MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>7.0 Reasoning or analysis:</p> <p>7.1 Explain the way the brief applies the rules/legal principles to the particular facts. This includes syllogistic application of rules and policy arguments used to justify its position (why the argument is socially desirable).</p> <p>The brief argues that under Canon 3(A)(4), the ex parte communications were substantive, not administrative, because they involved testimony and facts specific to Mr. Loew's trial, not procedural issues. The brief contrasts the communications here with examples of proper administrative communications from other cases dealing with scheduling or case management issues. The brief argues the trial judge violated Canon 3(A)(4) by initiating and considering the improper substantive ex parte communications.</p> <p>Next, the brief contends this Canon 3(A)(4) violation</p>	<p>7.0 Reasoning or analysis:</p> <p>7.1 Explain the way the brief applies the rules/legal principles to the particular facts. This includes syllogistic application of rules and policy arguments used to justify its position (why the argument is socially desirable).</p> <p>The Plaintiff argues the emails were administrative, not substantive, so did not violate the judicial ethics rule on ex parte communications (p. 5-7, 22-24). The emails came after the weaknesses in the investigation were already presented at trial, so could not have provided a tactical advantage or shown bias (p. 11, 18-20).</p> <p>The Plaintiff contends there is no evidence the emails influenced the trial or provided an actual reasonable possibility of prejudice (p. 6-7, 11, 23-25). Any misconduct by the judge does not require reversal without a showing of actual prejudice under harmless error principles</p>	<p>7.0 Reasoning or analysis:</p> <p>7.1 Explain the way the brief applies the rules/legal principles to the particular facts. This includes syllogistic application of rules and policy arguments used to justify its position (why the argument is socially desirable).</p> <p>CDAM argues the ex parte emails violated Canon 3(A)(4) because the judge initiated them and they concerned substantive trial matters, not just scheduling or administrative issues (p. 3-9). Allowing judges to communicate ex parte with only one party during trial undermines public confidence in impartiality (p. 5-6).</p> <p>The Liljeberg factors should apply because they properly balance the risks of injustice in a particular case, injustices in future cases if relief is denied, and harm to public confidence (p. 17-20). All three factors support a new trial for Mr. Loew (p. 18-20). This test protects due process</p>	<p>7.0 Reasoning or analysis:</p> <p>7.1 Explain the way the brief applies the rules/legal principles to the particular facts. This includes syllogistic application of rules and policy arguments used to justify its position (why the argument is socially desirable).</p> <p>The amicus argues that while the judge erred in not disclosing the emails, the judicial canons do not create enforceable rights (p. 7-8). Since the emails did not address substantive trial issues or provide any tactical advantage, there was no constitutional violation or miscarriage of justice requiring reversal under MCL 769.26 (p. 5, 9-12, 15). Violating the judicial canons alone does not necessitate reversal absent a showing of actual bias or prejudice, which is not present here (p. 7-13). Allowing convictions to be reversed for ethics violations without a miscarriage of justice could</p>

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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>necessarily creates an appearance of impropriety under Canon 2. The brief argues that violating an express judicial canon prohibition like 3(A)(4) would appear improper to reasonable observers, so no separate Canon 2 analysis is needed.</p> <p>The brief then argues that because the ex parte communications were substantive, prejudice is presumed under France, so Mr. Loew does not need to show actual harm. The brief contrasts this with a requirement to show harm for procedural ex parte communications.</p> <p>Finally, the brief argues that the trial judge's substantive ex parte communications violated Mr. Loew's constitutional due process rights to counsel and an impartial judge. The brief analogizes to Supreme Court cases finding improper ex parte judge-jury communications require a new trial. The brief argues Mr. Loew is</p>	<p>(p. 9-11, 20, 23-24). Allowing convictions to be reversed for appearance of bias alone, without evidence of prejudice, would undermine confidence in the courts (p. 24-25).</p>	<p>rights by deterring improper ex parte communications (p. 20).</p> <p>Mr. Loew's due process rights were violated because the emails gave the prosecution a tactical advantage and impacted the trial (p. 11-15). This requires a new trial regardless of actual harm (p. 13-14). The trial court correctly found the communications created an improper appearance (p. 11).</p> <p>Court rules also entitle Mr. Loew to a new trial. The judge should have recused under MCR 2.003 once the improper emails occurred (p. 21). Mr. Loew's due process rights were violated, requiring a new trial under constitutional guarantees (p. 22-23).</p>	<p>undermine confidence in the courts (p. 15).</p>

MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>entitled to a new trial as a remedy without any showing of actual harm.</p> <p>7.2 List the brief's headings and subheadings in text. Use sentence-case capitalization. [link to brief]</p> <p>Argument</p> <p>I. The Court of Appeals Erred in Finding that the Ex Parte Communications were Administrative in Nature and Did Not Violate Canon 3(A)(4)(a)(i) of the Code of Judicial Conduct. [validated]</p> <p>II. An Appearance of Impropriety Occurs Where a Trial Judge Violates Canon 3(A)(4). [validated]</p> <p>III. Mr. Loew is Not Required to Show Actual Harm. [validated]</p> <p>IV. Mr. Loew is Entitled to a New Trial. [validated]</p>	<p>7.2 List the brief's headings and subheadings in text. Use sentence-case capitalization. [link to brief] [incomplete but brief was also poorly formatted]</p> <p>I. Counterstatement of Facts</p> <p>A. Facts established at trial</p> <p>B. Emails</p> <p>C. Post-conviction proceedings</p> <p>II. Argument</p> <p>III. The Court's Four Questions</p> <p>IV. Relief Requested</p>	<p>7.2 List the brief's headings and subheadings in text. Use sentence-case capitalization. [link to brief] [validated]</p> <p>I. The Judge's Email to the Prosecutor During Mr. Loew's Trial Violate the Michigan Judicial Code of Conduct.</p> <p>A. The Emails Sent During Mr. Loew's Trial Were Prohibited Under Canon 3(A)(4)(a) Because Judges May Not Initiate Ex Parte Communication.</p> <p>B. The Emails Sent During Mr. Loew's Trial Were Prohibited Under Canon 3(A)(4)(a)(i-ii) Because Ex Parte Communication from Parties to a Judge is Only Permitted Regarding Administration, Scheduling, or Emergencies.</p> <p>II. A New Trial is the Only Appropriate Remedy When the</p>	<p>7.2 List the brief's headings and subheadings in text. Use sentence-case capitalization. [link to brief] [validated]</p> <p>Argument</p> <p>I. No non-constitutional error may result in reversal unless it affirmatively appears that the error caused a miscarriage of justice, which is to say that the defendant must show it is more probable than not that without the error there would have been a different result. The trial judge erred under the Code of Judicial Conduct in failing to disclose e-mail contacts during trial with the elected prosecutor, but those contacts gave no procedural or tactical advantage to the prosecution, and do not constitute constitutional error. Defendant has not shown a miscarriage of justice.</p>

MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
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			<p>Trial Court Violates Canon 3(A)(4)(a)(i).</p> <p>III. The Dissent Adopted the Correct Standard Outlined by Liljeberg, Which Requires the Court to Weigh Factors In Addition to Actual Harm to the Defense</p> <p>IV. Both MCR 2.003 and Due Process Require a New Trial.</p> <p>A. Mr. Loew Should be Granted a New Trial Under MCR 2.003, Which is Designed to Protect Parties From Judges Who Should be Disqualified Due to Bias or Failure to Adhere to the Appearance of Impropriety.</p> <p>B. Mr. Loew Should Also be Granted a New Trial Because His Right to Due Process was Violated.</p>	<p>A. Introduction</p> <p>B. Reversal is not appropriate where no miscarriage of justice affirmatively appears</p> <ol style="list-style-type: none"> 1. Recusal as required by due process and as required by court rule 2. Canons 2 and 3 of the Code of Judicial Conduct are not law and vest no substantive rights 3. The violation here was of Canon 3(4)(a)(ii) regarding notification, a violation which does not require recusal and does not affirmatively demonstrate a miscarriage of justice under MCL § 769.26 4. Canon 2 does not provide a basis for demonstrating a miscarriage of justice <p>C. Conclusion</p> <p>Relief</p>
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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>7.3 Note any image(s), figure(s), table(s), or charts in the brief.</p> <p>No images, figures, tables, or charts. [validated]</p>	<p>7.3 Note any image(s), figure(s), table(s), or charts in the brief.</p> <p>None [validated]</p>	<p>7.3 Note any image(s), figure(s), table(s), or charts in the brief.</p> <p>None. [Incorrect. The brief includes email images pasted in the text but the images are not captioned.]</p>	<p>7.3 Note any image(s), figure(s), table(s), or charts in the brief.</p> <p>None [validated]</p>

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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>8.0 List every time the brief accuses another party, court, or judge of misstating or misunderstanding the record, the evidence, a fact, the proper legal standard, or the law (list the brief page number(s) in parenthesis):</p> <p>The brief argues the Court of Appeals erred in finding the communications were administrative (pgs. 7, 10).</p> <p>The brief argues the Court of Appeals incorrectly reasoned actual bias must be shown for a Canon 2 violation (pg. 24).</p>	<p>8.0 List every time the brief accuses another party, court, or judge of misstating or misunderstanding the record, the evidence, a fact, the proper legal standard, or the law (list the brief page number(s) in parenthesis):</p> <p>None</p>	<p>8.0 List every time the brief accuses another party, court, or judge of misstating or misunderstanding the record, the evidence, a fact, the proper legal standard, or the law (list the brief page number(s) in parenthesis):</p> <ul style="list-style-type: none"> • The Court of Appeals incorrectly found the emails were administrative, not substantive (p. 8). • The Court of Appeals improperly relied on the Morrow case involving different facts (p. 12). • The Court of Appeals contradictorily stated bias could violate due process while improperly imposing a high burden on defendants (p. 14). • The prosecution incorrectly argues the Hereford analysis applies (p. 22). 	<p>8.0 List every time the brief accuses another party, court, or judge of misstating or misunderstanding the record, the evidence, a fact, the proper legal standard, or the law (list the brief page number(s) in parenthesis):</p> <p>None</p>

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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>9.0 Party or amicus conclusion and relief sought (list the brief page number(s) in parenthesis): [link to brief]</p> <p>Mr. Loew asks the Court to reverse the Court of Appeals decision and affirm the trial court's order granting him a new trial. (pg. 26) [validated]</p>	<p>9.0 Party or amicus conclusion and relief sought (list the brief page number(s) in parenthesis): [link to brief]</p> <p>The Plaintiff respectfully requests that the Court deny Defendant's application for leave to appeal and reverse the order granting a new trial. (p. 26) [validated but Claude rephrased it from the brief.]</p>	<p>9.0 Party or amicus conclusion and relief sought (list the brief page number(s) in parenthesis): [link to brief]</p> <p>CDAM asks the Court to reverse the Court of Appeals, reinstate the trial court's order granting a new trial, and adopt the Liljeberg factors for analyzing ex parte communications (p. 24). [validated but Claude rephrased it from the brief.]</p>	<p>9.0 Party or amicus conclusion and relief sought (list the brief page number(s) in parenthesis): [link to brief]</p> <p>The amicus requests the Court affirm the Court of Appeals decision. (p. 17) [validated]</p>

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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>10.0 Sentiment, emotion, and tone</p> <p>10.1 List the sentiment for the brief.</p> <p>The sentiment is a sense of injustice that Mr. Loew's right to a fair trial was violated by the improper ex parte communications. There is also frustration with the Court of Appeals decision excusing the misconduct.</p> <p>10.2 List the emotion for the brief.</p> <p>The main emotions are outrage and disappointment - outrage at the unethical judicial and prosecutorial conduct, and disappointment that the Court of Appeals condoned it. There is also stress and anxiety conveyed at having to continue fighting for justice.</p>	<p>10.0 Sentiment, emotion, and tone</p> <p>10.1 List the sentiment for the brief.</p> <p>Objective, dispassionate</p> <p>10.2 List the emotion for the brief.</p> <p>Calm, resolute</p>	<p>10.0 Sentiment, emotion, and tone</p> <p>10.1 List the sentiment for the brief.</p> <p>Passionate, empathetic</p> <p>10.2 List the emotion for the brief.</p> <p>Outrage, determination</p>	<p>10.0 Sentiment, emotion, and tone</p> <p>10.1 List the sentiment for the brief.</p> <p>Objective, dispassionate</p> <p>10.2 List the emotion for the brief.</p> <p>Stoic, reserved</p>

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MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>10.3 List the tone for the brief.</p> <p>The tone is urgent, adamant, and zealous. The writing is forceful in arguing that basic due process rights were breached and a new trial is imperative. But the tone remains professional and restrained.</p>	<p>10.3 List the tone for the brief.</p> <p>Matter-of-fact, authoritative</p>	<p>10.3 List the tone for the brief.</p> <p>Urgent, persuasive</p>	<p>10.3 List the tone for the brief.</p> <p>Matter-of-fact, analytical</p>

People v Loew (164133)—Claude AI generated briefing outlines

MSC argument order	Brief 1 - AT brief	Brief 2 - AE brief	Brief 3 - CDAM AC brief	Brief 4 - PAAM AC brief
	<p>11.0 Additional comments or impressions: (Is the reasoning sound and, if so, how? Is the reasoning contradictory and, if so, how? What could be the decision’s political, economic, or social effects, if any?)</p> <p>The reasoning seems sound in systematically applying the judicial code provisions, constitutional principles, and case precedents to argue for a new trial. The analysis builds persuasively by contextualizing the ex parte communication facts within the governing legal framework.</p> <p>There are no obvious contradictions. The brief stays focused in forcing the legal rules to the egregious facts of judicial and prosecutorial misconduct here.</p> <p>A decision granting a new trial would reaffirm the judiciary's commitment to fundamental fairness and due process. It would deter future ethical lapses while bolstering public</p>	<p>11.0 Additional comments or impressions: (Is the reasoning sound and, if so, how? Is the reasoning contradictory and, if so, how? What could be the decision’s political, economic, or social effects, if any?)</p> <p>The Plaintiff's reasoning seems logically sound overall in arguing that absent any showing of actual prejudice, the conviction should not be reversed solely for an appearance of impropriety. The analysis relies on harmless error principles and comparable case law involving ex parte communications. The Plaintiff tries to downplay the emails as administrative. This seems questionable given the judge brought up specifics about the investigation and testimony, but not completely unreasonable. Reversing the conviction could undermine confidence in the finality of verdicts and encourage more appeals based on judicial ethics alone, without requiring evidence of prejudice. It could also deter judges from candidly</p>	<p>11.0 Additional comments or impressions: (Is the reasoning sound and, if so, how? Is the reasoning contradictory and, if so, how? What could be the decision’s political, economic, or social effects, if any?)</p> <p>The reasoning relies on applying judicial ethics rules, court rules, and constitutional due process principles to argue Mr. Loew deserves a new trial. The analysis seems sound overall. Adopting the Liljeberg test for ex parte communications could deter future improper contacts. Granting a new trial here would affirm the importance of judicial impartiality and ethics. Denying relief may undermine public trust in the courts. The decision could also impact future prosecutions and sentences by discouraging ex parte communications.</p>	<p>11.0 Additional comments or impressions: (Is the reasoning sound and, if so, how? Is the reasoning contradictory and, if so, how? What could be the decision’s political, economic, or social effects, if any?)</p> <p>The amicus presents a logically sound argument that absent a showing of actual bias or prejudice, the conviction should not be reversed solely for an ethics violation under the judicial canons when the governing statute requires a miscarriage of justice for reversal. The analysis relies heavily on case law stating the judicial canons do not create enforceable rights. Overturning the conviction without a showing of prejudice could weaken public confidence in the finality of convictions. It could also limit judges' ability to have candid policy discussions arising from individual cases if any ethics violation necessitates reversal. The decision's effects would likely be fairly limited, although it could spur more appeals emphasizing</p>

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	<p>confidence. The social effects would be positive by upholding procedural justice principles. The economic effects may be mixed - a new trial has costs but protects against wrongful incarceration. The political effects may play out along predictable partisan lines.</p>	<p>discussing general court policies and processes that arise from individual cases.</p>		<p>judicial ethics claims without underlying prejudice.</p>

Prompt:

Draft an outline of the attached court brief which follows this format and uses these labels.

- 1.0 Case name(s):
 - 1.1 Court name:
 - 1.2 Docket (or file) number(s):
 - 1.3 Names of Court of Appeals judges (if any):
 - 1.4 Name of Court of Claims judge (if any):
 - 1.5 Name(s) of Circuit Court judge and county (if any):
 - 1.6 Brief title:
 - 1.7 Date brief filed:
 - 1.8 Name of attorney(s) who signed the brief
- 2.0 Statement of facts or counterstatement of facts (list the brief page number(s) in parenthesis):
 - 2.1 Relationship or status of parties (include parties' full names):
 - 2.2 Legally relevant facts (facts tending to prove or disprove an issue before the court):
 - 2.3 Procedurally significant facts (set out the (a) cause of action, (b) the requested relief, and (c) any raised defenses):
 - 2.4 Acronym(s) defined:
 - 2.5 Important constitutional provisions at issue (and include the brief page number(s) and url reference links in parenthesis):
 - 2.6 Important laws listed (and include the brief page number(s) and url reference links in parenthesis):
 - 2.7 Important regulation names and citations at issue (and include the brief page number(s) and url reference links in parenthesis):
 - 2.8 Important case law names and citations at issue (and include the brief page number(s) and url reference links in parenthesis):
 - 2.9 Important dictionary definition terms at issue (list the brief page number(s) in parenthesis):
- 3.0 Procedural history (the case disposition in the lower courts):
 - 3.1 The lower court(s) decisions:
 - 3.2 Any awarded damages:
 - 3.3 Who appealed and why:
- 4.0 Questions presented or statement of questions (list the brief page number(s) in parenthesis):
 - 4.1 Brief answer to each legal question:
 - 4.1.1 The disputed point(s) of law:
 - 4.1.2 The key case facts related to the disputed point(s) of law (legally relevant facts):
- 5.0 Party or amicus arguments:
- 6.0 Applicable law(s) or legal principle(s): (The rule(s) of law that the brief claims determine the parties' substantive rights. The rule(s) of law could be based on constitution, statute, case law, regulation, or court rule. The rule(s) or legal principle(s) may be expressly stated in the opinion or it may be implied.)(And include url reference links.)
- 7.0 Reasoning or analysis:
 - 7.1 Explain the way the brief applies the rules/legal principles to the particular facts. This includes syllogistic application of rules and policy arguments used to justify its position (why the argument is socially desirable).
 - 7.2 List the brief's headings and subheadings in text. Use sentence-case capitalization.
 - 7.3 Note any image(s), figure(s), table(s), or charts in the brief.
- 8.0 List every time the brief accuses another party, court, or judge of misstating or misunderstanding the record, the evidence, a fact, the proper legal standard, or the law (list the brief page number(s) in parenthesis):
- 9.0 Party or amicus conclusion and relief sought (list the brief page number(s) in parenthesis):
- 10.0 Sentiment, emotion, and tone
 - 10.1 List the sentiment for the brief.
 - 10.2 List the emotion for the brief.
 - 10.3 List the tone for the brief.
- 11.0 Additional comments or impressions: (Is the reasoning sound and, if so, how? Is the reasoning contradictory and, if so, how? What could be the decision's political, economic, or social effects, if any?)

Now bold the labels.