



ESTABLISHED 1934

JUDICIAL CANDIDATE QUESTIONNAIRE

The answers to the following questions will appear on the websites of the *Detroit Free Press*, the Oakland County Bar Association, and the League of Women Voters - Oakland Area. Please be concise in your answers. Answers to the questions on page 9 will appear in the League of Women Voters Oakland County Voter Guide.

INSTRUCTIONS:

1. Answer all questions completely and accurately and return this questionnaire to Jennifer Roosenberg at jroosenberg@ocba.org.
2. Print the Certificate of Accuracy. Sign, scan, and return it to the email listed above, fax to (248) 334-7757, or mail to the Oakland County Bar Association, ATTN: Jennifer Roosenberg, 1760 S. Telegraph Rd., Suite 100, Bloomfield Hills, MI 48302.

COMPLETED QUESTIONNAIRES AND CERTIFICATE OF ACCURACY MUST BE RECEIVED AT THE OAKLAND COUNTY BAR ASSOCIATION BY

THURSDAY, AUGUST 1, 2018 AT 5:00 P.M.

I. PUBLIC INFORMATION:

1. Name: Diane D'Agostini
2. Name as it will appear on the ballot: Diane D'Agostini, Judge of the District Court
3. Judicial Office you are seeking: 48th Judicial District
4. Campaign website address: www.votejudgediane.com
5. Community in which you live: Bloomfield Township
6. Date of Birth: 04/07/62
7. Have you ever been known by another name not listed above? xYES NO

If YES, what was it?

Diane Dickow; Diane Dickow D'Agostini

8. Please state your marital status. Provide your spouse's full name, including maiden name, if applicable. List your spouse's occupation, employer's name and business address(es).

Married

Lorenzo D'Agostini

Attorney

Levine, Benjamin, P.C., 100 Galleria Officecentre, Southfield, MI 48034

9. Military Service: Have you had any military service? If so, provide particulars, including the dates, branch of service, rank or rate, and type of discharge received.

I have not served in the military.

10. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

-Detroit College of Law, presently MSU College of Law-1988-1991; J.D. cum laude graduate. (1991)

-Oxford University, England – comparative law classes, 1989

-Wayne State University-1982-1984; University of Michigan-Dearborn-1980-1982; B.A. in journalism (1984)

11. Employment Record: List (by year) the following activities:

- A. All non-law-related business and professional activities, including employment by corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise. Include firms with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

Golden Touch Jewelry-1980's; Detroit Monthly Magazine-1980's; Freelance writer for other publications-1980's.

- B. All law-related professional activities, including the names of all law firms, corporate law departments, courts, governmental agencies, and private agencies, with which you were affiliated, and including the names of other lawyers with whom you were associated in any informal association.

Assistant Prosecutor - Oakland County -1991-2000

Law Clerk - Levine, Benjamin, P.C. - 1989-1991

Attorney - Frank Rhodes-1991 (approximately 4 months until OCPO employment started)

- C. If your past employment includes service as a law clerk to a judge, state the name of the judge, the court, and the dates of your service.

None

12. Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.
-Elected as a 48th District Judge in 2000, 2006 and 2012 which covers Birmingham, Bloomfield Township, Bloomfield Hills, West Bloomfield, Keego Harbor, Orchard Lake and Sylvan Lake.
13. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

1996- Candidate for District Judge in the 48th District - was unsuccessful in the election.
14. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the public.

-Esteemed Woman of Michigan, Dr. Gary Burnstein Clinic, 2016
-"Resolution Honoring Diane D'Agostini" for service and contributions as Board Member on the Michigan Retirement Board, 2016
-Certificate of Appreciation, in Honor of National Mentoring Month, Women of Tomorrow Mentor Program, 2014
-Distinguished Alumna of the Year Award, Mercy High School, 2012
-Excellence in Women's Leadership and Public Service, MEA Television, 2012
-Domestic Violence Prevention Award, Oakland County Coordinating Council, 2011
-Stara Tzedakah Box awarded by Chaldean and Jewish News for Building Initiatives Project, 2011
-Chaldean Bar Association – Outstanding Achievement Award, 2009
-Orchard Lake Middle School, Certificates of Appreciation, 2001-2018
-State of Michigan, Special Tribute for Outstanding Contributions to the Community and Service to Others, 2008 and 2009
-Birmingham/Bloomfield Community Coalition, Certificates of Appreciation, 2008, 2009
-Michigan State Senate, Certificate of Recognition for Exceptional Involvement and Dedicated Service, 2009
-Pleasant Lake Elementary School, Certificate of Appreciation, 2004
-Boy Scouts of America, Certificate of Appreciation, 2002
15. Memberships: List all organizations to which you belong that are active in lobbying

before public bodies. Please list all other organizations (other than bar associations or professional societies) to which you now or ever have been a member. If you are no longer a member, state the approximate date your membership ceased.

- Birmingham/Bloomfield Community Coalition Board - Current Advisory Board member
- Michigan Judges Retirement Board –2011-2015 Board Member
- Bloomfield Advisory Cable Board – Prior Advisory Board Member
- United Community Family Services, formerly the Chaldean American Ladies of Charity - Prior Reserve Board Member

16. List all bar associations and professional organizations of which you are or were a member and include the dates of membership. Also indicate whether you have served as an officer or committee chair of a bar association, professional society, or similar organization.

- State Bar of Michigan- member since 1991
- Michigan District Judges Association-present member
- Oakland District Judges Association-present member
- Oakland County Bar Association-past member
- Women's Lawyer's Association-past member
- Chaldean American Bar Association-served as Officer and President in early nineties.

17. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

State Courts – 1991
Federal Courts - 1991

18. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the public. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them. If any of this material is available online, please include an appropriate link; if the material is available in print format only, please scan the text and append to your responses in electronic format.

I was a published writer for the following: Michigan Woman Magazine; Detroit Monthly Magazine; Heritage Magazine; Chaldean News (available at www.chaldeannews.com). Many articles are dated from the eighties and likely not available. Most articles involved feature writing, fashion and things to do in tri-county area. Wrote about the law, penalties and substance abuse issues for the Chaldean News many years ago.

19. With respect to the last five years:

a. Did you appear in court regularly, occasionally or not at all?

I preside daily in the 48th District Court as a Judge for the last 18 years.

b. What percentage of these appearances was in:

- 1) federal courts
- 2) state courts of record - 100%
- 3) other courts

c. What percentage of your litigation was:

- 1) civil Approximately 55%
- 2) criminal Approximately 45%

d. State the number of cases you tried to verdict or judgment (rather than settled) in courts of record, indicating whether you were sole counsel, chief counsel, or associate counsel.

As a Judge, I have been the trier of fact in hundreds of trials, evidentiary hearings and contested hearings involving criminal, civil, landlord/tenant and traffic cases for the last 18 years. As a prior assistant prosecutor, I was lead attorney on many cases in both bench and jury trials.

e. What percentage of these trials were:

- 1) jury 20%
- 2) non-jury 80%

f. If you believe the responses to (a) through (e) above do not reflect your experience, please describe any experience, which you consider the equivalent of trial experience.

Prior to being elected as a Judge, I was also an Assistant Prosecutor handling

criminal trials to verdict in both jury and bench trials. This trial experience involved holding jury and bench trials involving home invasion, homicide, criminal sexual conduct, operating while intoxicated, arson, domestic violence and other crimes. I served in all of the District Courts in Oakland County and the 6th Circuit Court in Oakland County, as well as appearing before the Michigan Court of Appeals.

20. Describe two (2) of the most significant trials, litigated matters, or matters that would be representative of your litigation experience, which you personally handled and give the citations, if the cases were reported. Give a capsule summary of the substance of each case, the nature of your participation in the litigation, the date of disposition, the final disposition of the case, and a succinct statement of what you believe to be the particular significance of the case.

I am no longer a litigator, as I have presided over cases since 2001 as a Judge. However, I joined the voices of my fellow judges in urging the legislature to rescind Driver Responsibility Fees this past year, which are now set to be rescinded. These fees were enacted to raise revenue but instead punished those living in hardship twice. I am also working on the Michigan Indigent Defense Commission standards to be implemented in the court, which will result in improvements to the indigent attorney system.

21. Have you ever taught a law course at a college or law school? If so, provide particulars, including courses taught and any significant committee work or other contributions while a faculty member.

I have not taught at a college but I am a regular lecturer at elementary schools, middle schools, high schools, community groups and coalitions.

22. Describe any pro bono or community service activities in which you have engaged.

I frequently speak at local schools, coalitions and group events about the law, substance abuse and other topics. I also hold court at schools and organize an annual Constitution Day program for middle school children. The following are some events:

Orchard Lake Middle School - Court in School
Constitution Day – Bloomfield Hills Middle School
Lone Pine Elementary field trip – Order in the Court
Court in School-Abbott Middle School

Court in School-Orchard Lake Middle School
West Bloomfield Community Coalition - panelist on underage drinking and drug use
Parents Who Host, Lose the Most-panelist
Birmingham Youth Assistance Keynote Speaker - Youth In Service
Teen Dialogue Day, Choices
Conant Elementary – field trip
Hickory Grove Elementary field trip – Order in the Court
Special Guest reader - West Maple Elementary
University of Detroit, Jesuit High School Career Day
West Bloomfield Community Coalition - panel speaker on dangers of drugs and alcohol
Frankel Jewish Academy - Lecture on law
Court in School - Birmingham/Bloomfield Community Coalition, Choices/Dialogue Day
West Bloomfield 911 cable show guest
Lone Pine Elementary field trip – Order in the Court
St. Hugo School - Lecture on drug/alcohol use to graduating class
48th District Court Forum – Parent forum on dangers of underage drinking and drugs
Eaton Academy – Court in School
West Bloomfield High School - field trip to Court
Detroit Country Day School field trip – Order in the Court
Roeper Upper School - field trip to court
Eagle Scouts badge ceremony guest speaker
Court in School - held at Dialogue Day of Birmingham Bloomfield Community Coalition
Abbott Middle School - Court in School
Empowered Voices Program
Avondale High School guest speaker
Detroit County Day School - speaker
Constitution Day- West Hills Middle School
Beverly Elementary School field trip – Order in the Court
Eton Academy - discussion with students
Roeper Upper School – discussion with students
St. Hugo School – Court in School
Roeper School field trip – Order in the Court
West Bloomfield PTO speaker
Doherty Elementary School field trip - Order in the Court
Orchard Lake Middle School – Court in School
Holy Name youth group speaker
Marian High School – Court in School
Roosevelt Elementary field trip – Order in the Court
Lecture – Detroit Country Day School
West Bloomfield Community Coalition speaker
Pine Lake Elementary School field trip – Order in the Court
Mercy High School Career Day
Teens and the Law, West Bloomfield High School
Court in School - West Bloomfield High School
Parents who Host Lose the Most, speaker
Holy Name School presentation on substance abuse
Career Day - Pleasant Lake Elementary
MADD walk
Search and Seizure speaker - West Bloomfield High School
Cranbrook Middle School – discussion with students
Mock Trial - West Bloomfield High School
Girl scouts field trip
Eastover Elementary field trip – Order in the Court
Guest Speaker - West Bloomfield High School
Guest Reader - Ealy Elementary
Lecture - Roeper School
Families in Action panel speaker
Parents who Host Lose the Most - panel speaker, West Bloomfield
Orchard Lake St. Mary – lecture on drugs
B'nai B'rith - field trip to court
Brother Rice High School- lecture to school assembly

Career Day - Pleasant Lake Elementary
Constitution Day – East Hills School
Lecture - St. Hugo School
Lecture - Bloomfield Hills Middle School
Roeper Elementary School - field trip to court
Roosevelt Elementary field trip – Order in the Court
Seaholm High School lecture
Lecture - Detroit Country Day Middle School
Court in School - Orchard Lake Middle School
Guest speaker – Parents/Teens
Notre Dame Prep School - lecture
Andover High School - speaker
Women’s History Month guest speaker- Berkshire Middle School
Early Elementary reader - first graders
West Bloomfield High School Mentor - mock trial competition
Andover High School - Career Fair
Cranbrook Mother’s Club – guest speaker
Career Fair - Orchard Lake Middle School
Brother Rice High School lecture - student body
Career Day - Pleasant Lake Elementary
Oakland County Boot Camp Graduation Speaker
West Bloomfield High School speaker
Cranbrook High School - guest speaker
Kirk in the Hills Men’s Group - guest speaker
Career Day - St. Hugo School
Career Fair - Orchard Lake Middle School
Career Day - Mercy High School
DARE Graduation Class – guest speaker
Detroit Country Day High School - field trip to court
Invest School, keynote graduation speaker
Speaker, Parents who Host Coalition
Birmingham Youth Assistance
Career Day, Pleasant Lake Elementary
Bloomfield Hills Rotary - Speaker

23. Have you ever been admonished, reprimanded, suspended, disbarred or otherwise disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee or other professional group? If so, provide details and describe the conduct that led to discipline or citation.

No

24. Have you ever been convicted of any federal, state, county or municipal crime (excluding non-alcohol-related traffic offenses)? If yes, give details.

No

25. Are you aware of any physical, mental, substance abuse, substance addiction, or emotional health impediments to your serving in the judicial position you seek? If yes, give details.

No

26. Please provide the names of all organizations that have endorsed your candidacy. Also provide the names of all organizations for which you will, or have already, requested an endorsement including endorsements that are currently pending or have been denied.

At present, I am endorsed by many elected officials, both Republicans and Democrats, leaders in the community and the Police Officers Association of Michigan.

27. Identify a current or former judge whom you admire and explain why.

Since I am in court everyday and do not have the opportunity to view my colleagues, I state the following:

I admire judges who stand for integrity in their personal and professional lives, employ a strong and dedicated work ethic, are punctual, are thorough in their decision making, are respectful of others and are involved in their local communities. I work my best toward being what I seek in others.

28. What skills do you possess that qualify you for the judicial office you are seeking?

Judges make critical decisions about families, homes and communities everyday. I rely on the ethical values of which I was raised and the skills that I have employed for the last 27 years of my career as a lawyer- having integrity, being well prepared, thorough, punctual, hard working, patient and respectful of people. Everyday I make decisions that keep the community safe, transform an offender's life with court ordered substance abuse treatment and educate young people with my court programs to encourage them to be the best they can be. I work hard, do not waste people's time and am decisive. If I do not make an immediate ruling on a case to review briefs, I advise litigants of the date and time when they can expect a ruling within 14 days, so that they will have finality. The State Court Administrator Report of 2018 concludes that my caseload has a 99% clearance rate which translates into very efficient and responsible docket management.

29. How do you deal with difficult people, including peers, lawyers, judges, clients and litigants?

I use patience and a calm demeanor and remind myself that the courtroom can be foreign to many people. I rarely use contempt powers for outbursts and instead try to diffuse the situation with a calm response. As Chief Judge for four terms, I have attended managerial classes and also manage a court staff of approximately 38 people where my management and communication skills are tested daily. Respect for others is paramount as well as allowing others to explain their position.

30. If you observed a party in your courtroom being poorly represented by an unprepared or ineffective lawyer, how would you handle the situation?

I would make my concerns known with both sides present. If I had appointed the lawyer, I would make appropriate inquiry and may make a new appointment or consider filing a grievance if necessary. If the attorney were retained, I would also evaluate the situation similarly.

I appoint attorneys who display a dedicated work ethic and represent indigent defendants with competence and zeal. Additionally, I am working with the MIDC (Michigan Indigent Defense Commission) on the new standards that will be implemented statewide regarding the right to representation. These new standards will mandate continuing legal education and the right to an attorney at the initial stage of arraignment.

31. Describe the three most important factors that you would consider in fashioning a sentence in a criminal case.

I rely on the factors imposed by law: the disciplining of the wrongdoer; the protection of society; the potential for reformation of the offender and the deterring of others from committing like offenses, People v. Broden, 428 Mich 343 (1987).

For individuals with substance abuse problems, I am a firm believer in imposing a sentence that mandates accountability coupled with inpatient or intensive outpatient treatment that is individualized, putting individuals on an empowered path to rehabilitation.

While protection of the community thru incarceration is appropriate for some individuals, there are also other ways to mandate accountability. I have ordered

criminal defendants to complete over 148,200 hours of community service to assist community agencies, parks, schools, public areas, etc. which translates into over one million dollars of labor being put back into the community. Restitution to make the crime victim whole is also important and I have ordered and collected hundreds of thousands of dollars in restitution from criminal defendants on financial crimes.

32. When called upon to “interpret” law, what considerations do you believe appropriate, and what, if anything, should not be considered?

When interpreting the law, judges must respect the separation of powers, the laws as enacted by the Legislature and precedence. Personal belief, popular opinion and press coverage should not be considered.

II. LEAGUE OF WOMEN VOTERS VOTER GUIDE

The League of Women Voters Oakland Area distributes a Voter Guide to assist and inform citizens in casting their ballots. In the Voter Guide the League will include the answers to the three items below, provided each of your answers is limited to no more than 125 words. Some of the information will have been included already in the answers to the preceding questions. Only the first 125 words will be printed in the League of Women Voters–Oakland Area’s Voter Guide.

1. Summarize your biography, including your education (degrees conferred, colleges and law school), career and employment experience, elected offices held, community service activity, organizational affiliations, and other pertinent information.

Elected in 2000 as a District Judge and reelected in 2006 and 2012. Graduated cum laude from Detroit College of Law, presently Michigan State University College of Law. As a Judge, I have made rulings at criminal arraignments, preliminary examinations, sentencings, evidentiary hearings, bench trials, jury trials, civil motions and trials, probation violation hearings, traffic infractions, performed weddings and am on call 24 hours a day for search warrants, totaling thousands of cases over the last 18 years.

I am actively involved with our children and teens by teaching them about the dangers of substance abuse and hosting field trips to court. Please go to www.votejudgediane.com for more information.

2. Describe the general nature of your law practice or other legal work you have done, the typical clients you have represented, areas of specialty or concentration, and the geographic region of your practice.

As a Chief District Judge, I preside over criminal, civil, landlord-tenant and traffic cases and make daily rulings on criminal cases involving drugs, drunk driving, assault, domestic violence, theft, embezzlement, etc. and civil cases up to \$25,000. I have managed the Court’s budget and staff, in addition to presiding over a court that has had filings of approximately 33,000-54,000 cases yearly.

3. Why should voters elect (or re-elect) you to judicial office; what qualities (e.g. temperament, diligence, etc.) and experiences do you have that commend you to the judicial office you seek?

Dear Neighbor,

Eighteen years ago, I came to you seeking your trust and confidence in electing me as your District Judge. I told you that I would follow the law and rule fairly, hold criminal offenders accountable, and I would build partnerships with our schools to educate our kids about the dangers of substance abuse and consequences for bad choices. I have been tireless in my mission to keep kids away from the grips of drug addiction thru my court programs. I am uplifted by the many examples of recovery that I witness thru my court ordered drug and alcohol treatment sentencing. Additionally, my work as Chief Judge has saved taxpayers in excess of \$1.7 million. I hope to maintain your trust again as I seek reelection.

Diane D'Agostini, Chief Judge-48th District Court

Certificate of Accuracy

I, Diane D'Agostini, hereby certify that all of the information contained in my answers to this Judicial Candidate Questionnaire are true to the best of my knowledge, information and belief. I am a candidate for the 48th District Court .

Date: 7/27/18


Signature

Diane D'Agostini
Print