

DANA NESSEL QUICK HITS



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NARRATIVES & POTENTIAL POLL QUESTIONS

- Nessel has vowed legal battles to protect illegal immigrants and sanctuary cities.
- Nessel says there is a lot of regret by voters in Michigan electing Donald Trump and she believes the regret is over Obamacare repeal efforts and tax reform which she said should be the “death knell” in terms of support for Trump.
- Nessel supports the decriminalization of marijuana.
- Nessel and her law firm brag about their ability to prevent charges of sex crimes.
- The firm is proud of questioning a young victim’s memory in order to get their client found not guilty of molesting a girl at 5 years old.
- Nessel advertises about helping convicted sex offenders get their names removed from the sex offender registry.
- Nessel’s law firm spends time convincing judges to drop protective orders that are put in place to protect victims of assault.
- Nessel is anti-cop, prosecuting police officers for shooting suspects in the line of duty.
- Nessel said that same-sex marriages are more durable and last longer than straight marriages.
- Nessel was involved in a case where the legal argument was later used in part, in the Supreme Court case that overruled the ban on same-sex marriage.
- Nessel is a typical partisan liberal. She said it is unfortunate that Republicans have taken over Michigan’s state offices and that Michigan went for Donald Trump.

METHODOLOGY

LexisNexis: Conducted an initial article review of relevant stories that mention Nessel and her time as an attorney and candidate.

Michigan Courts: Searched case records available by attorney name. Accessed two cases with Nessel as lead counsel. The custody case from 2010 that Nessel is known for and another case where Nessel represented the State, but no other information was available. Documents may be available to be requested from the Clerk of the Court and would be done in an in-depth report.

Nessel & Kessel website: Reviewed clients and cases that Nessel has been involved with as an attorney or as a proxy of her firm. Initial cases and summaries are included in this report.

Other online sources: Searched various websites for any additional information about Nessel, including local blogs and websites.

Social Media: Reviewed activity of Facebook and Twitter campaign accounts.

YouTube: Conducted an initial search of media and campaign videos or broadcasts available online via YouTube. Viewed Nessel's Off the Record broadcast interview where she states support for previous policy positions of Frank Kelly.

EDITOR'S NOTE: A full, in-depth research report would provide more information, context, and potentially other hits and connections not included in this document. With Nessel's legal background, any case involving sexual predators, violent crimes, or others can be used as an attack against her, especially her criminal defense cases. As a prosecutor, any case where certain charges were dropped will also be a vulnerability for this candidate. There are hundreds of cases Nessel has been involved with that could be used against her and case files could be pulled from the court for further detail.

BIOGRAPHY

- Full Name:** Dana M. Nessel
- Family:** Alanna Maguire (wife);
Alex and Zach (twin sons)
- Education:** University of Michigan;
Wayne State University Law School
- Career:** Assistant Prosecutor in the Wayne County Prosecutor’s
Office;
Managing Partner, Attorney, Nessel & Kessel
- Community Involvement:** Founder, Fair Michigan Foundation; a first of its kind task
force, which investigates and prosecutes hate crimes
committed against the LGBTQ community
- Awards:** “Champion of Justice” award from the Michigan State Bar
Association;
“Woman of the Year” from Michigan Lawyers Weekly;
“Treasure of Detroit” award from Wayne State University
Law school

POLICY POSITIONS

ILLEGAL IMMIGRATION

Dana Nessel has vowed legal battles to protect illegal immigrants and sanctuary cities.

“Attorney general hopeful Dana Nessel, a Plymouth resident and former Wayne County assistant prosecutor who later helped win a Supreme Court ruling against Michigan’s ban on same-sex adoption and marriage, vowed legal battles to protect immigrants, sanctuary cities, public schools, net neutrality rules and consumer protection laws.” [[USA Today](#), 1/18/18]

In December 2017, Immigration and Customs Enforcement (ICE) agents arrested 27 foreign nationals in an operation in West Michigan. “Federal agents arrested 27 foreign nationals in West Michigan during a four-day operation targeting those in the U.S. illegally.” [[Grand Rapid News](#), 12/8/17]

21 of the 27 nationals had prior criminal convictions. “U.S. Immigration and Customs Enforcement, or ICE, said 21 of the 27 taken into custody had previous criminal convictions.” [[Grand Rapid News](#), 12/8/17]

In 2017, ICE nationwide had a 40-percent increase over the previous year in administrative arrests - 92 percent had a criminal conviction or pending criminal charge, were ICE fugitives or illegally re-entered the U.S. “The enforcement action follows a recent announcement that ICE nationwide had a 40-percent increase over last year in administrative arrests. Of those, 92 percent had a criminal conviction or pending criminal charge, were ICE fugitives or illegally re-entered the U.S.” [[Grand Rapid News](#), 12/8/17]

“Among those arrested were a Mexican national who had a prior conviction for assaulting a police officer.” [[Grand Rapid News](#), 12/8/17]

Others had convictions including larceny, assault and battery DUI, domestic violence, as well as retail and welfare fraud. [[Grand Rapid News](#), 12/8/17]

“Five of those arrested will face felony prosecutions for re-entering the country after being deported, which carries a 20-year sentence.” [[Grand Rapid News](#), 12/8/17]

In Michigan, police also caught an illegal immigrant from Mexico that was wanted by police for rape of a minor. “An illegal immigrant from Mexico, wanted by police for having sex with a minor in Oakland County, was arrested in Detroit after being tracked down by federal agents. Officers with U.S. Immigration and Customs Enforcement’s (ICE) Enforcement and Removal Operations (ERO) arrested 33-year-old Miguel Angel Davila-Ruiz on Wednesday at a residence in southwest Detroit where he was holed up. Davila-Ruiz was wanted on a four-count warrant charging him with first-degree criminal sexual conduct with a minor. The crime is alleged to have occurred in Pontiac.” [[CBS Detroit](#), 10/13/12]

In 2012, there were an estimated 120,000 undocumented immigrants in the state of Michigan. [[Newsmax](#), 10/5/15]

By 2014, 130,000 undocumented immigrants were in Michigan. [[American Immigration Council](#), 10/13/17]

“As of 2016, 72 percent of DACA-eligible immigrants in Michigan, or 7,339 people, had applied for DACA.” [[American Immigration Council](#), 10/13/17]

- “An additional 3,000 residents of the state satisfied all but the educational requirements for DACA, and another 2,000 would be eligible as they grew older.” [[American Immigration Council](#), 10/13/17]

RELATED CRIME STATISTICS

In 2014, the U.S. Sentencing Commission found that 75 percent of all criminal defendants who were convicted and sentenced for federal drug offenses were illegal immigrants. [[The Hill](#), 4/19/17]

Illegal immigrants were also involved in 17 percent of all drug trafficking sentences and one third of all federal prison sentences. [[The Hill](#), 4/19/17]

The U.S. Department of Justice and the U.S. Sentencing Commission reported that as of 2014, illegal immigrants were convicted and sentenced for over 13 percent of all crimes committed in the U.S. [[The Hill](#), 4/19/17]

Between 2003 and 2009 immigrants committed 25,064 murders in the U.S. “According to the FBI, 67,642 murders were committed in the U.S. from 2005 through 2008, and 115,717 from

2003 through 2009. The General Accounting Office documents that criminal immigrants committed 25,064 of these murders.” [\[The Hill, 4/19/17\]](#)

This means that a population of just over 3.5 percent residing in the U.S. unlawfully committed 22 percent to 37 percent of all murders in the nation. “To extrapolate out these statistics, this means that a population of just over 3.5 percent residing in the U.S. unlawfully committed 22 percent to 37 percent of all murders in the nation.” [\[The Hill, 4/19/17\]](#)

- “The Pew Research Institute estimates that as of 2014, there are at least 11.2 million illegal immigrants residing in the U.S. This population comprises approximately 3.5 percent of our country’s population.” [\[The Hill, 4/19/17\]](#)

“Illegal immigrants clearly commit a level of violent and drug related crimes disproportionate to their population. Vetted crime statistics from USDOJ, the U.S. Sentencing Commission and the U.S. Government Accountability Office (GAO) are both clear and demonstrative that illegal immigrants who comprise only 3.5 percent of our nation’s population, are convicted and sentenced for the crime of murder at a rate of three times that of their American citizen and legal immigrant counterparts.” [\[The Hill, 4/19/17\]](#)

COST

EDITOR’S NOTE: These figures include not only those immigrants who are in the U.S. illegally, but all immigrants here who commit and have been convicted of crimes.

U.S. taxpayers are footing an annual bill of nearly \$19 million a day to house and care for an estimated 300,000 to 450,000 convicted criminal immigrants who are eligible for deportation. “According to research and statistics by the U.S. Departments of Justice and Homeland Security, U.S. taxpayers are footing an annual bill of nearly \$19 million a day to house and care for an estimated 300,000 to 450,000 convicted criminal immigrants who are eligible for deportation and are currently residing in local jails and state and federal prisons across the country.” [\[The Hill, 4/19/17\]](#)

The total cost for all corrections, medical and support services for adults and juvenile immigrant criminals nationally are more than \$1.8 billion dollars. “Other accounting estimates indicate that the total cost for all corrections, medical and support services for adults and juvenile immigrant criminals nationally to be over \$1.8 billion dollars. [\[The Hill, 4/19/17\]](#)

OBAMACARE

Nessel said there was a lot of regret by voters in Michigan electing Donald Trump and the regret is over Obamacare repeal efforts. “You are out there living it in this environment. So, maybe you can give us your view from the ground on all of these issues and whether the Alabama result, the tax push, the Obamacare gutting, is any of that playing out in Michigan where you are seeking to win a statewide race yourself? DANA NESSEL, DEMOCRATIC CANDIDATE FOR ATTORNEY GENERAL FOR MICHIGAN: Well, Ari, I can tell you that all of it is playing out in Michigan. And I live in a state where, honestly, the population is primarily Democratic. But, unfortunately, right now, the Republicans have taken over all of our state offices including the state legislature. And for the first time in decades, we had a Republican win the White House in our state. And I think there's a lot of regret here in this state. And all of the various things that you mentioned, whether it's Obamacare, whether it has to do with this new tax proposal, there's a lot of regret. [MSNBC transcript, 12/14/17]

GENERAL COST & IMPACT OF OBAMACARE

EDITOR'S NOTE: This section provides background information on the negative impact of the health care law.

\$1.7 Trillion: Gross cost of Obamacare's coverage provisions from 2016 to 2025 – net cost is \$1.2 trillion. [[Congressional Budget Office](#), 3/9/15]

In 2015, it was estimated that Obamacare still left 31 million people without health insurance. “The news is not all good, however. By the year 2025, the CBO estimated that 31 million people would still not have health insurance. Based on higher than expected enrollment numbers, Medicaid will also cost the federal government \$59 billion more than previously forecast over the coming decade, the CBO said.” [[Bloomberg](#), 1/26/15]

- “...the nonpartisan Congressional Budget Office projects there will still be roughly 31 million uninsured adults in the United States by 2025, demonstrating that any notion the law would create universal coverage was a pipedream.” [[Politifact](#), 3/20/15]

In 2016, it appears 9 million people had lost their private health plans thanks to Obamacare. “In other words, it would appear that a net 9 million people have lost their private health plans, thanks to Obamacare—with a net 5 million people having lost employer-based

plans and a net 4 million people having lost individually purchased plans.” [[The Standard](#), 3/28/16]

Exchanges attract fewer rural residents and rural residents pay higher premiums. “We examine the performance of the health insurance marketplaces, created under the ACA, in their initial year of operation. Using data from 33 states representing two-thirds of the consumers who signed up for coverage in the marketplaces, we find small and rural regions appear to attract fewer entrants. Insurers also charge higher premiums to rural residents, controlling for observable measures of consumer and provider costs in these markets.” [[Stanford Institute for Economic Policy Research](#), SIEPR Policy Brief, 2/15/15]

Cost is still an issue for most of the uninsured. “The median household income of those without health insurance (\$37,300) was higher than that of newly insured (\$33,200), suggesting an affordability gap for middle-income Americans. These are people who may make too much money to qualify for subsidized coverage, but feel they cannot afford the expenses of health care coverage.” [[TransAmerica Center for Health Studies](#), January 2015]

25 percent of Americans still can’t afford medical care even with insurance. “More than 1 in 4 adults who bought insurance for themselves or their families last year had to skip needed medical care because they couldn’t afford it, according to a study released Thursday by Families USA, a consumer health group. Some signed up for coverage on the new health insurance exchanges under the Affordable Care Act and received financial assistance to help pay their premiums and some of their out-of-pocket costs. Others bought their plans directly from insurance companies. But even with the gains under the health-care law, 25.2 percent of adults who bought insurance on their own last year said they went without medical tests or treatments, prescription drugs or doctor visits because of cost. Because most adults who buy insurance on their own do not have dental care as part of their health coverage, the ability to see a dentist was not included in the main part of the report.” [[The Washington Post](#), 5/14/15]

One in three low-income Americans said they went without care because of the cost. “Hardest hit were lower to middle-income adults. That’s someone who earned from \$16,200 to \$29,199 last year, or a family of three earning from \$27,400 to \$49,499. Almost one out of three of these adults said they went without needed medical care because the out-of-pocket cost was too high.” [[The Washington Post](#), 5/14/15]

One-third of Americans still have deductibles qualified as “high”; one-third have “exceedingly high” deductibles. “More than half of adults had deductibles of \$1,500 or more

and 30 percent had ‘exceedingly high deductibles’ of \$3,000 or more, the report found.” [[The Washington Post](#), 5/14/15]

Tax credits aren’t enough to compel Americans to buy from exchanges. “‘Exchanges will need to attract higher income consumers to ensure enrollment continues to grow over time,’ said Caroline Pearson, senior vice president at Avalere. ‘So far, tax credits do not appear to be enough to entice participation, so greater emphasis on individual mandate penalties may be needed to help increase enrollment among low- and middle-income individuals.’” [[Avalere Health](#), 3/25/15]

Doctors are refusing to take Obamacare health plans; 20 percent of doctors not taking Obamacare plans. “A recent study found large numbers of doctors are declining to participate in health plans offered through exchanges set up under the Affordable Care Act, raising questions about whether people buying insurance through exchanges will be able to access health care in a timely manner. Conducted by the Medical Group Management Association (MGMA), the MGMA ACA Exchange Implementation Survey Report found 20 percent of U.S. physicians are not seeing patients who are covered by plans sold on exchanges set up by the Affordable Care Act, commonly called Obamacare. The three major reasons cited by doctors include the difficulty of obtaining coverage information, patient cost-sharing, and network limitations.” [[Heartland Institute](#), 12/1/14]

Doctors face “several challenges” and didn’t want to deal with high Obamacare deductibles. “Doctors surveyed for the study cited several challenges in treating patients with policies from Obamacare exchanges. Responses were anonymous, but included: ‘We are going to have to hire additional staff just to manage the insurance verification process,’ ‘Identification of ACA plans has been an administrative nightmare,’ and ‘We thought we would be able to identify ACA insurance exchange products by their insurance card, but quickly found out this isn’t so.’ ... Doctors involved in the study also described “significant patient confusion” regarding what their plans cover, and reported patients who learn about their deductible after the fact are more likely to cancel appointments and procedures, affecting preventative measures and doctor visits.” [[Heartland Institute](#), 12/1/14]

- “High levels of patient cost-sharing are another challenge. Seventy-five percent of doctors responding reported patients with Obamacare coverage ‘are very or extremely likely to have high deductibles compared to patients with traditional commercial coverage.’” [[Heartland Institute](#), 12/1/14]

Experts said Obamacare would not improve care.

- Sally Pipes, President Of The Pacific Research Institute: “Patients will have a harder time finding doctors to treat them, and waiting times will grow.” [[Heartland Institute](#), 12/1/14]
- Texas Eye Surgeon Dr. Kris Held: “[Obamacare] fails to provide affordable health insurance and fails to provide access to actual medical care to more people but succeeds at compounding existing healthcare cost and accessibility problems and creating new ones.” [[Heartland Institute](#), 12/1/14]

Costs are rising and enrollment is “tepid.” “Many of the online exchanges are wrestling with surging costs, especially for balky technology and expensive customer call centers — and tepid enrollment numbers. To ease the fiscal distress, officials are considering raising fees on insurers, sharing costs with other states and pressing state lawmakers for cash infusions. Some are weighing turning over part or all of their troubled marketplaces to the federal exchange, HealthCare.gov, which now works smoothly.” [[The Washington Post](#), 5/1/15]

EDITOR’S NOTE: An in-depth report will include Michigan-specific information related to Obamacare.

TAX REFORM

Nessel said the Republican tax reform plan is going to be the thing that's the death knell in terms of support for Trump and that there is a lot of "buyers' remorse." "NESSEL: Yes. I'm seeing a lot of buyers' remorse in the state for certain. And I think this tax bill - I hate to say this is going to be the thing that's the death knell in terms of support for Trump because there are so many different things." [MSNBC transcript, 12/14/17]

"But I think that he's going to have a very difficult time convincing people in this state that this [the tax plan] is in any way good for middle class individuals." [MSNBC transcript, 12/14/17]

THE BENEFITS OF TAX REFORM

EDITOR'S NOTE: This section provides general information that can be used to counter-attack Nessel's statements about the tax reform bill.

"According to the Tax Foundation's Taxes and Growth Model, the plan would significantly lower marginal tax rates and the cost of capital, which would lead to a 1.7 percent increase in GDP over the long term, 1.5 percent higher wages, and an additional 339,000 full-time equivalent jobs." [[Tax Foundation](#), 12/18/17]

- "Our analysis finds that the Tax Cuts and Jobs Act would reduce marginal tax rates on labor and investment. As a result, we estimate that the plan would increase long-run GDP by 1.7 percent. The larger economy would translate into 1.5 percent higher wages and result in an additional 339,000 full-time equivalent jobs." [[Tax Foundation](#), 12/18/17]

"The Tax Cuts and Jobs Act is a pro-growth tax plan, which would spur an additional \$1 trillion in federal revenues from economic growth, with approximately \$600 billion coming from the bill's permanent provisions and approximately \$400 billion from the bill's temporary provisions over the budget window. These new revenues would reduce the cost of the plan substantially. Depending on the baseline used to score the plan, current policy or current law, the new revenues could bring the plan closer to revenue neutral." [[Tax Foundation](#), 12/18/17]

- "Due to the larger economy and the broader tax base, the plan would generate \$600 billion in additional permanent revenue over the next decade on a dynamic basis. Overall,

the plan would decrease federal revenues by \$1.47 trillion on a static basis and by \$448 billion on a dynamic basis.” [[Tax Foundation](#), 12/18/17]

“Over the next decade, the Tax Cuts and Jobs Act would increase GDP by an average of 0.29 percent per year; GDP growth would be, on average, 2.13 percent, compared to 1.84 percent.” [[Tax Foundation](#), 12/18/17]

“In 2018, GDP growth would be 0.44 percent over the baseline forecast.” [[Tax Foundation](#), 12/18/17]

“When accounting for the increased GDP, after-tax incomes of all taxpayers would increase by 1.1 percent in the long run.” [[Tax Foundation](#), 12/18/17]

Table 3. Economic Impact of the Tax Cuts and Jobs Act

| | |
|--|---------|
| Change in long-run GDP | 1.7% |
| Change in long-run capital stock | 4.8% |
| Change in long-run wage rate | 1.5% |
| Change in long-run full-time equivalent jobs | 339,000 |

Source: Tax Foundation Taxes and Growth Model, November 2017.

“The long-run economic changes are generated by the corporate income tax rate cut.” [[Tax Foundation](#), 12/18/17]

EDITOR’S NOTE: If fully implemented, the proposal would reduce federal revenue by \$1.47 trillion over the next decade on a static basis (Figure 2) using a current law baseline. The plan would reduce individual income tax revenue, excluding the changes for noncorporate business tax filers, by \$1.1 trillion over the next decade. Tax revenue from the corporate income tax and from taxation of pass-through business income would fall by \$617 billion. The remainder of the revenue loss would be due to the doubling of the estate tax exemption, resulting in a revenue loss of \$72 billion.

“...the simplification of the tax code is sure to increase small-business investment and--ultimately--growth.” “Still, others argue that the simplification of the tax code is sure to increase small-business investment and--ultimately--growth. ‘For years, the burdensome and complex tax code has held back small-business owners and stifled new investments,’ said the International Franchise Association (IFA) in a statement earlier this month. ‘With two-thirds of new jobs being created by small businesses and 80 percent of franchises filing as pass-through entities, important changes were made in the final days for these franchise small businesses.’” [[Inc.](#), 12/20/17]

- “The bill, the product of negotiations between Republicans in the House and Senate, achieves longtime Republican goals, including a permanent reduction in the corporate tax rate to 21 percent from 35 percent that supporters argue will make American business more competitive overseas. Many pass-through businesses also receive a more complicated 20 percent deduction, which became a subject of fierce debate after the final bill added a provision likely to benefit real estate companies like Trump’s.” [[NBC News](#), 12/20/17]

“On the business side, the bill includes several base broadeners. It would limit the net interest deduction to 30 percent of earnings before interest, taxes, depreciation, and amortization (EBITDA) for four years, and 30 percent of earnings before interest and taxes (EBIT) thereafter, including for already originated loans. It would also limit or eliminate a number of business tax expenditures, such as the domestic production activities (section 199) deduction, the orphan drug credit, and the deduction for entertainment expenses. Repealing and limiting many of these expenditures would generate \$1.0 trillion in revenue.” [[Tax Foundation](#), 12/18/17]

“The Republican tax bill would cut taxes for about 75 percent of filers in 2018.” ... “Over all, about three-quarters of Americans would get a tax cut in 2018 under the version of the tax bill that was recently released by a joint House-Senate conference committee.” [[The New York Times](#), 12/17/17]

The passed tax plan would give most Americans a tax cut next year. “The Republican tax bill, which Congress sent to President Trump on Wednesday, would give most Americans a tax cut next year, according to a new analysis.” [[National Public Radio](#), 12/20/17]

“The average household would get a tax cut of \$1,610 in 2018, a bump of about 2.2 percent in that average household’s income, according to a report released Monday by the Tax

Policy Center, a nonpartisan think tank that has been critical of the tax overhaul plan.”

[[National Public Radio](#), 12/20/17]

EDITOR’S NOTE: The Tax Policy Center predicts that in 2027, the average tax cut would amount to \$160, or a 0.2 percent income bump. This would mean a tiny tax bump for many lower- and middle-class households — the average \$50,000 to \$75,000 — earning household would have a tax bill that is \$30 higher than today. The average household earning more than \$1 million would get a cut of more than \$23,000... In 2018, households earning \$1 million or more — or, 0.4 percent of all tax filers — would be getting 16.5 percent of the total benefit from the bill. A poll showed that a plurality of Americans — 50 percent — believe the tax plan would raise their taxes... In 2027, 53 percent of tax filers would have a tax hike.

For the middle 20 percent of earners, the average tax cut would be \$930. “The ultra-rich fare well in the tax bill overall. An analysis by the nonpartisan Tax Policy Center found that 83 percent of households in the top 0.1 percent would receive a tax break in 2018 with an average benefit of \$193,380. For the middle 20 percent of earners, the average tax cut would be \$930. Over half the bill's total benefits would go to the top 10 percent of earners.” [[NBC News](#), 12/20/17]

The tax plan retains the charitable contribution deduction. “Retains the charitable contribution deduction, and limits the mortgage interest deduction to the first \$750,000 in principal value.” [[Tax Foundation](#), 12/18/17]

The tax plan includes mortgage interest deduction for the first \$750,000 of a mortgage. “Retains the charitable contribution deduction, and limits the mortgage interest deduction to the first \$750,000 in principal value.” [[Tax Foundation](#), 12/18/17]

The tax plan raises the exemption on the alternative minimum tax from \$86,200 to \$109,400 for married filers. “Raises the exemption on the alternative minimum tax from \$86,200 to \$109,400 for married filers, and increases the phaseout threshold to \$1 million.” [[Tax Foundation](#), 12/18/17]

The final version of the bill did not contain several earlier provisions that would have adversely affected graduate students. “The Republican-drafted tax reform bill, headed for votes in both chambers of Congress this week, does not contain several earlier proposals that would have adversely affected graduate students. But a tax on some large private college endowments made it into the final version of the legislation (H.R. 1). Additionally, the 505-page

bill sharply cuts business taxes while also halving a tax break intended to encourage development of drugs for rare diseases. For students, the measure most notably omits a controversial provision that would have treated the value of graduate student tuition waivers as taxable income. The measure was included in a tax bill passed by the House of Representatives last month but was left out of legislation that narrowly cleared the Senate on Dec. 2.” [[c&en](#), 12/18/17]

EDITOR’S NOTE: However, GOP negotiators agreed to include a 1.4% excise tax on investment income from endowments at private colleges with an enrollment of at least 500 students and with assets valued at \$500,000 per full-time student.

The tax plan eliminates the corporate alternative minimum tax. [[Tax Foundation](#), 12/18/17]

The tax plan lowers the corporate income tax rate permanently to 21 percent, starting in 2018. [[Tax Foundation](#), 12/18/17]

Some of the corporate tax cut is “already trickling down to Main Street workers” with a handful of U.S. companies promising bonuses and bumps in hourly pay. “Some of the cash windfall from corporate tax cuts is already trickling down to Main Street workers. A handful of U.S. companies are already promising to pay one-time bonuses to their employees and bump up hourly pay if President Trump signs into law the tax reform bill that has been voted on by the Republican-led Congress.” [[USA Today](#), 12/20/17]

CORPORATE INVESTMENT, HIGHER WAGES, & BONUSES

“Several companies announced new investments, minimum wage hikes and employee bonuses on Wednesday as a result of the passage of Republican tax reform bill, which is set to bring them significant tax cuts by lowering the corporate tax rate.” [[Time](#), 12/21/17]

After the tax bill passed, AT&T promised \$1,000 gift to 200,000 employees and to invest \$1 billion into the U.S. “AT&T has announced that it will deliver its employees a financial bonus in response to a tax bill that passed in Congress on Wednesday, calling it a ‘monumental step’ in driving economic growth.” [[Newsweek](#), 12/20/17]

- “Once President Donald Trump signs the tax reform into law, pledged AT&T in an announcement, the company will invest \$1 billion into the U.S. It will also give a \$1,000 bonus to more than 200,000 employees.” [[Newsweek](#), 12/20/17]

- “AT&T was the first company to go public with its plans to pass along coming tax savings to workers, saying once the tax bill is passed it would pay a special \$1,000 bonus to more than 200,000 of its non-management workers. Front-line managers, the company said, will also be included in the bonus pool. The bonus could hit employees’ paychecks over the holidays if Trump signs the bill before Christmas, the company said in a statement. The telecom giant also confirmed it would invest \$1 billion more in the U.S. in 2018.” [[USA Today](#), 12/20/17]
- “AT&T said it would give \$1,000 bonuses to more than 200,000 employees in the U.S. once the tax bill is signed into law and promised to invest an additional \$1 billion in the U.S. in 2018. CEO Randall Stephenson praised the tax legislation as ‘a monumental step to bring taxes paid by U.S. businesses in line with the rest of the industrialized world.’ Trump praised AT&T’s announcement in remarks at the White House. ‘That’s because of what we did,’ he said. ‘So that’s pretty good. That’s pretty good.’ AT&T is currently awaiting approval from Trump’s Justice Department of its pending \$85 billion acquisition of Time Warner.” [[Time](#), 12/21/17]

Comcast announced that it would award one-time \$1,000 bonuses to more than 100,000 employees, which would include frontline and non-executive employees. “Comcast announced Wednesday that it would award one-time \$1,000 bonuses to more than 100,000 employees, which would include frontline and non-executive employees. The Communication Workers of America, the union that represents many of those frontline workers, had demanded that employers guarantee the yearly \$4,000 household wage increase that Republican lawmakers asserted would be the outcome of the tax cut.” [[USA Today](#), 12/20/17]

- “Media and cable company Comcast said it would award special \$1,000 bonuses to more than 100,000 eligible employees. The company, which also owns NBCUniversal, said it also expects to spend more than \$50 billion over the next five years investing in infrastructure to improve and extend broadband plant and capacity, and its television, film and theme park offerings.” [[USA Today](#), 12/20/17]
- “Comcast is giving \$1,000 bonuses to 100,000 “frontline and non-executive employees,” the company announced, citing the rollback of the FCC’s Obama-era net neutrality rules and the passage of the tax reform bill. CEO Brian Roberts also said the company expects to spend ‘well in excess of’ \$50 billion on infrastructure investment over the next five years.” [[Time](#), 12/21/17]

Walmart said it's raising wages thanks to the GOP tax plan. "Walmart employees are getting a pay bump, and the company says it's courtesy of the corporate tax cut Republicans rushed through Congress last year." [[Vox](#), 1/11/18]

- **"Walmart (WMT), the largest private employer in the country, said Thursday it will raise its starting wages for U.S. store workers and offer some employees bonuses following passage of tax cuts in Washington."** [[CBS News](#), 1/11/18]
- "As you know, the President and Congress have approved a lower business tax rate. Given these changes, we have an opportunity to accelerate a few pieces of our investment plan. We plan to continue investing in you, in our customers through lower prices, and in our future--especially in technology to help improve your jobs and the experience for our customers." [[Walmart](#), 1/11/18]

They are raising the minimum wage for hourly associates to \$11, and handing out bonuses of up to \$1,000 to employees. The retail giant announced Thursday that it is raising the minimum wage for hourly associates to \$11, and handing out bonuses of up to \$1,000 to employees." [[Vox](#), 1/11/18]

- "The Bentonville, Arkansas-based chain plans to raise the starting wage for employees from \$9 to \$11 per hour and give some employees bonuses of up to \$1,000." [[CBS News](#), 1/11/18]
- "Associates that don't benefit from the new starting wage increase are eligible for the bonus and it will range from \$200 to \$1,000 depending on your length of service." [[CBS News](#), 1/11/18]
- "So, we're pleased to tell you that we're raising our starting wage to \$11 an hour for Walmart U.S., Sam's Club, Supply Chain, eCommerce and Home Office hourly associates effective in February." [[Walmart](#), 1/11/18]

"The company also said it would introduce more generous paid family leave policies, and offer an adoption benefit." [[Vox](#), 1/11/18]

“And it is very good news. Walmart is America’s largest private employer, with more than 1.5 million sales associates in the U.S. Hourly wage increase, bonuses, and expanded family leave policies are undoubtedly a boon to workers.” [[Vox](#), 1/11/18]

American Airlines announced it would give 130,000 employees a \$1,000 bonus because of the new tax law. “The airline said on January 2 that it would give 130,000 employees a \$1,000 bonus because of the new tax law. American (AAL) hasn’t been paying federal income taxes because of substantial losses in the past, but CEO Doug Parker said in a letter to team members that the tax package will give the company a boost down the road.” [[CNN Money](#), 1/12/18]

Capital One also announced its increasing their minimum hourly wage to \$15. “Walmart isn’t the first company to shower a nice public thank you on the GOP tax plan. Boeing, AT&T, Wells Fargo, and Comcast have all said they were either investing more in the US or offering perks to employees, from bonuses to minimum wage boosts to other investments in employee development. Capital One announced Thursday it’s increasing its minimum hourly wage to \$15.” [[Vox](#), 1/11/18]

“Other companies, including Fifth Third Bancorp, Wells Fargo and Boeing, also announced that they would pass along tax savings to their workers.” [[USA Today](#), 12/20/17]

“Fifth Third Bancorp, a regional bank based in Cincinnati, said it will raise the minimum wage for all of its nearly 3,000 hourly employees to \$15, and would distribute a one-time bonus of \$1,000 for more than 13,500 employees by the end of the year if the bill is signed by Dec. 25.” [[USA Today](#), 12/20/17]

- “Fifth Third Bancorp said it would increase its hourly minimum wage to \$15 for U.S. employees.” [[Time](#), 12/21/17]

“Wells Fargo, the San Francisco bank that has been hurt by a scandal involving the opening of 3.5 million unauthorized client accounts, also said it would boost its minimum wage to \$15 per hour, an 11% increase from its current hourly rate of \$13.50, once the law was passed. The pay raise will go into effect in March 2018, the company said.” [[USA Today](#), 12/20/17]

- “Wells Fargo said it would increase its minimum wage for U.S. employees from \$13.50 to \$15 and spend \$400 million on donations to nonprofits and community organizations in 2018.” [[Time](#), 12/21/17]

Bank of America said that those making up to \$150,000 per year, or about 145,000 workers, would receive a one-time bonus of \$1,000 because of the benefits from tax reform.

“The bank said on December 22, 2017 that those making up to \$150,000 per year, or about 145,000 workers, would receive a one-time bonus of \$1,000. CEO Brian Moynihan highlighted tax reform in an internal memo announcing the news. ‘Beginning in 2018, we will see benefits from the tax reform ... in the form of lower corporate tax rates,’ he said.” [[CNN Money](#), 1/12/18]

“Aerospace giant Boeing said it would move forward with \$300 million in investments as a result of the new tax law, including \$100 million in employee training and education and \$100 million to enhance Boeing facilities as part of its ‘workforce of the future’ initiative.”

[[USA Today](#), 12/20/17]

- Boeing announced that it would spend \$300 million on ‘employee-related and charitable investments’ because of the tax plan. ‘The reforms enable us to better compete on the world stage and give us a stronger foundation for the investment in innovation, facilities and skills that will support our long-term growth,’ CEO Dennis Muilenburg said in a statement.” [[Time](#), 12/21/17]

Fiat Chrysler announced \$2,000 bonuses for 60,000 employees. “Fiat Chrysler announced Thursday that it will give 60,000 U.S. workers a one-time \$2,000 bonus.” [[CNN Money](#), 1/12/18]

“The company also said it's moving production of the Ram heavy-duty truck from Saltillo, Mexico, to Warren, Michigan, in 2020.” [[CNN Money](#), 1/12/18]

“JetBlue (JBLU) said on January 4 that it would give \$1,000 to all 21,000 of its crew members due to tax reform.” [[CNN Money](#), 1/12/18]

“Southwest (LUV) said on January 2 that it would ‘celebrate the recent tax reform legislation’ by giving full-time and part-time employees \$1,000 cash bonuses. ‘We are excited about the savings and additional capital, which we intend to put to work in several forms,’ CEO Gary Kelly said in a statement. Southwest also said it would give an additional \$5 million to charities, and pledged to buy more planes from Boeing (BA), its aircraft supplier.” [[CNN Money](#), 1/12/18]

“The news is the first sign that many in the middle-class will benefit financially from their employers paying less in taxes.” [[USA Today](#), 12/20/17]

HEALTH CARE

“The [tax reform] bill also has significant implications for health care, where it abolishes the Affordable Care Act’s penalty for Americans who don’t purchase insurance.” [[NBC News](#), 12/20/17]

“The GOP tax bill eliminates the individual mandate penalty for not having health insurance starting in 2019.” [[Money](#), 12/20/17]

- **The bill repeals the individual mandate penalty.** “Effectively repeals the individual mandate penalty, by lowering the penalty amount to \$0, effective January 1, 2019.” [[Tax Foundation](#), 12/18/17]

EDITOR’S NOTE: Obamacare’s individual mandate penalty remains in effect for 2018. The penalty for going uncovered for 2018 will be the same as this year: \$695 per adult or 2.5% of household income in excess of tax filing thresholds, whichever is higher.

Polling showed that the individual mandate was the least popular part of Obamacare. “The polling shows that it is the least popular of the Affordable Care Act’s changes, but how people feel about it depends on how you frame the question. When asked simply if they like or don’t like the mandate, as many as two-thirds of the people say they don’t. A Kaiser Family Foundation tracking poll found that 63 percent had an unfavorable opinion in November 2016. An Associated Press/NORC poll in January 2017 came back with 36 percent in favor, 13 percent who didn’t care one way or the other, and 50 percent who opposed it.” [[Politifact](#), 11/14/17]

“The roughly 85% of marketplace customers who qualify for the government’s premium subsidies won’t feel the brunt of these premium increases, because the GOP tax bill doesn’t affect the subsidy structure.” [[Money](#), 12/20/17]

“U.S. drugmakers stand to benefit significantly from the repatriation portion of the bill. The pharma sector is known for the large amounts of money it keeps offshore and would be able to bring that money home at a reduced rate. Pfizer, Merck, Gilead Sciences, Amgen, AbbVie, Eli Lilly, and Bristol-Myer Squibb together held more than \$400 million in

offshore cash at the end of 2016, according to an analysis by the Institute on Taxation and Economic Policy, a research and advocacy organization.” [[c&en](#), 12/18/17]

CHILD TAX CREDIT

“Under tax reform, the Child Tax Credit may be worth as much as \$2,000 per qualifying child depending upon your income - that's twice as much as before.” [[Forbes](#), 12/21/17]

Under tax reform, part of the Child Tax Credit remains nonrefundable but the ‘old’ Additional Child Tax Credit, which was refundable, has essentially been merged into the new credit. So the Child Tax Credit is just one credit worth up to \$2,000 per child and includes a refundable piece of up to \$1,400 per child. “In prior years, the Child Tax Credit was nonrefundable which means that if the available tax credit exceeded your tax liability, your tax bill was simply reduced to zero. So even if you were able to claim the entire \$1,000 per child (the maximum available credit for the 2016 tax year), if you didn't have any tax liability, you couldn't benefit from the credit. The credit would not carry forward to any future years, or back to any past years: it simply disappeared Under tax reform, part of the Child Tax Credit remains nonrefundable but the "old" Additional Child Tax Credit, which was refundable, has essentially been merged into the new credit. I know that sounds confusing but what it means is that the Child Tax Credit is just one credit worth up to \$2,000 per child and includes a refundable piece of up to \$1,400 per child. To be clear, the \$1,400 refundable piece is included as part of the \$2,000 Child Tax Credit and is not an additional credit (unlike before).” [[Forbes](#), 12/21/17]

“A refundable credit means that you can take advantage of the credit even if you do not owe any tax. Unlike with a nonrefundable credit, if you don't have any tax liability, the ‘extra’ credit is not lost but is instead refunded to you. To claim the refundable portion, you must have earned income (generally, wages, salary, tips, and net earnings from self-employment). For purposes of the new Child Tax Credit, the refundable portion is equal to 15% of your earned income which exceeds \$4,500 up to the maximum credit.” [[Forbes](#), 12/21/17]

“Under tax reform, the child credit also includes a \$500 non-refundable credit for qualifying dependents other than qualifying children. This has been referred to as a ‘family credit’ and allows you to claim a credit for other dependents in your household that don't meet the definition of qualifying child. The credit is clearly intended to make up for the fact that you no longer have the ability to claim other dependents like your parents on your tax return as personal exemptions since those have been eliminated.” [[Forbes](#), 12/21/17]

ESTATE TAX

The tax plan also exempts inheritances from the estate tax, doubling the thresholds. “It eliminates various deductions while limiting others on state and local taxes and mortgage interest. It also exempts larger inheritances from the estate tax, doubling the thresholds to \$11 million for individuals and \$22 million for married couples.” [[NBC News](#), 12/20/17]

- **The tax plan doubles the estate tax exemption from \$5.6 million to \$11.2 million, which expires on December 31, 2025. The exemption will increase with inflation.** [[Tax Foundation](#), 12/18/17]

“While the death tax applies to relatively few Americans and raises only tiny amounts of revenue for the federal government, it imposes substantial costs on the American economy in terms of lost jobs and reduced growth rates. It can be—and has been—devastating to family businesses and the communities in which they operate.” [[The Heritage Foundation](#), 9/23/14]

“The Heritage Foundation estimates that eliminating the federal estate tax (and related gift taxes) would boost U.S. economic growth by more than \$46 billion over the next 10 years and generate an average of 18,000 private-sector jobs annually.” [[The Heritage Foundation](#), 9/23/14]

“Eliminating the federal death tax would create economic opportunities for American families and free up financial assets for private-sector investment and income growth.” [[The Heritage Foundation](#), 9/23/14]

“Even if a family does come up with the money to pay the estate tax, family members are left with significantly less capital to sustain and grow their business. Businesses that cannot expand cannot hire or invest. The result is fewer jobs, lower productivity, and smaller incomes for American workers.” [[The Heritage Foundation](#), 9/23/14]

“It is not just the wealthy who are harmed by death taxes. Capital is a key component of workers’ productivity. The death tax, by reducing the level of capital available to workers, means that workers will have less opportunity to increase their own productivity, income, and wealth over their lifetimes.” [[The Heritage Foundation](#), 9/23/14]

“Although the death tax is defended at times on the grounds that it reduces income inequality in the U.S., it actually has a negligible impact on income inequality and other forms of inequality. A recent report by the Joint Economic Committee points to the following studies and findings: Alan Blinder, former Vice Chairman of the Federal Reserve Board, found that only about 2 percent of income inequality can be explained by inherited wealth; of the 400 wealthiest people on Forbes’s 2011 list, about 70 percent of those individuals were self-made, meaning they built their own fortunes, rather than having had help from family or inheritances; and, according to the 2011 U.S. Trust Survey, 73 percent of individuals with over \$3 million in net worth did not accumulate any of their wealth through inheritance.” [[The Heritage Foundation](#), 9/23/14]

MARIJUANA

Nessel supports the decriminalization of marijuana. ‘It’s time to tax marijuana, regulate it and stop throwing people in prison,’ she said.” [[USA Today](#), 1/18/18]

PARTISAN/ANTI-TRUMP

Nessel said it is unfortunate that Republicans have taken over Michigan’s state offices and that Michigan went for Donald Trump. “DANA NESSEL, DEMOCRATIC CANDIDATE FOR ATTORNEY GENERAL FOR MICHIGAN: Well, Ari, I can tell you that all of it is playing out in Michigan. And I live in a state where, honestly, the population is primarily Democratic. But, unfortunately, right now, the Republicans have taken over all of our state offices including the state legislature. And for the first time in decades, we had a Republican win the White House in our state. And I think there’s a lot of regret here in this state.” [MSNBC transcript, 12/14/17]

EDITOR’S NOTE: A copy of the broadcast can be obtained and included in a full, in-depth report.

Nessel said “I see our entire state going blue again. And I, for one, welcome it.” “And I think we’re going to see - when you talk about the tsunami that we expect to see in 2018, I think we’re going to see that nowhere in a greater capacity than here in the State of Michigan. And I see our entire state going blue again. And I, for one, welcome it.” [MSNBC transcript, 12/14/17]

PRIVATE PRACTICE

In 2012, Nessel established a private practice law firm that “tackled issues and cases that many other attorneys might shy away from.” In 2012, Nessel & Kessel Law was established. In their relatively short time together, Dana and Chris have tackled issues and cases that many other attorneys might shy away from.” [[Nessel and Kessel Law](#), Accessed 2/8/18]

Nessel has defended hundreds of criminal cases, from petty theft to first degree murder. “In her criminal practice, Ms. Nessel has vigorously defended hundreds of criminal cases, from petty theft to first degree murder. Dana Nessel’s extensive knowledge of the law and her personal experience with the judges, prosecutors and police officers in the area makes her ideally suited to best advise her clients on their concerns, and to know how to approach their cases. As a result, she is able to achieve results unmatched by most attorneys’ practicing in the area, making her one of the top criminal defense attorneys in Michigan.” [[Nessel and Kessel Law](#), Accessed 2/8/18]

“The Nessel and Kessel Approach: At Nessel and Kessel Law, we have decades of experience dealing with assault charges. Because we are top criminal defense attorneys, when a client retains Nessel and Kessel Law we immediately begin to develop a comprehensive strategy for success. Sometimes success means convincing the prosecutor to dismiss the charges completely, or have them greatly reduced. Other times it means a motion to suppress evidence to have the case dismissed by a judge, or fully preparing for trial and securing a not guilty verdict. Robbery and Assault charges are often fueled by emotional and hostile witnesses. More often than not, a verdict will hang solely on the testimony of a complaining witness. The means that you need an attorney who is skilled in the art of cross examination, who can force a witness to admit things that may contradict earlier statements, police reports, hospital records, and other witnesses.” [[Nessel and Kessel Law](#), 4/3/17]

SEX OFFENDERS

EDITOR’S NOTE: Issues about questioning victim responses and cases involving children are especially problematic for the candidate in the current political and social climate. The details of mentioned cases are unknown and would need to be requested from the courts.

Nessel & Kessel Law firm advertises their ability to prevent charges of sex crimes affecting a defendant's entire life. "Criminal Sexual Conduct (CSC) cases are especially sensitive because conviction will truly be life changing. Being found guilty for sex offenses in Michigan will haunt and follow a defendant for the rest of their lives. This is an area of the law where false allegations, misrepresentations, and witness manipulation will often times affect the results of a case, especially with sexual crimes involving minors. Not only do these cases create the potential for serious jail and prison time, they also carry the burden of registering as a sex offender. As these cases are often very fact driven, a successful defense to sex offenses requires a complete cross examination and a through [sic] analysis of the physical evidence performed by experienced sex crime lawyers. Only knowledgeable defense attorneys will have the expertise to get to the bottom of these allegations, preventing charges of sex crimes from affecting a defendant's entire life." [[Nessel & Kessel](#), 1/5/18]

RAPE OF AN 11-YEAR OLD

Nessel's firm: "Cross-examining a 12 year old girl about an alleged rape is not something you learn overnight. It is something you learn with countless hours of study and experience. Criminal Sexual Conduct cases are not cases that just any attorney can handle. It takes an experienced criminal defense attorney, who knows what buttons to push and when to push them, to successfully defend against this type of charge." [[Nessel and Kessel Firm](#), 9/10/15]

Nessel's firm brags about getting a "not guilty" verdict for their client accused of raping a then-11-year old child in a second trial after the first one was deadlocked 11-1 for guilty. The man had already been found guilty in a previous case with another child. "After less than a day of deliberation, a jury returned a "not guilty" verdict for the client of criminal defense attorney, Chris Kessel. The client was charged with one count of CSC – 1st under 13; meaning that the alleged victim was under the age of 13 at the time of the alleged assault. It was alleged that the client had woken up his 11-year-old niece in the middle of the night, took her into his bedroom, and raped her. The was based almost exclusively upon the testimony of the complaining witness, who made the allegations. The case had actually already been tried once, with the jury unable to reach a verdict. At the end of the previous trial the jury was deadlocked at 11-1, for guilty. After the prosecutor's office decided to re-try the case, the family of the client reached out to Chris Kessel to ask him to represent the client." [[Nessel and Kessel Firm](#), 9/10/15]

- **“The client was charged with one count of CSC – 1st under 13; meaning that the alleged victim was under the age of 13 at the time of the alleged assault. It was alleged that the client had woken up his 11 year old niece in the middle of the night, took her into his bedroom, and raped her. The was based almost exclusively upon the testimony of the complaining witness, who made the allegations.”** [[Nessel and Kessel Firm](#), 9/10/15]
- **“Even with the multiple holes in her story, the prosecution argued that because the client had previously been convicted of a CSC – 1 under 13, he was predisposed to this kind of activity. Thankfully, Chris Kessel was able to tease out testimony from the complaining witness’s sister that both of them knew that the client had been convicted of this crime over 20 years ago...making him an easy target for the lie.”** [[Nessel and Kessel Firm](#), 9/10/15]

“The trial lasted three days, during which Chris Kessel carefully and meticulously took apart the complaining witness’s story; piece by piece.” [[Nessel and Kessel Firm](#), 9/10/15]

MOLESTATION OF A 5-YEAR OLD

Nessel’s firm defended a man accused of touching his girlfriend’s daughter who at the time, was five years old. The charges were first dropped but by the time the young girl was 14 she began speaking out again about being molested. “Our client was crying, his family was crying...even defense attorney Chris Kessel almost shed a tear when the jury finished reading their verdict; not guilty on charges of Criminal Sexual Conduct – Second Degree. The case had been awaiting trial for over 10 months, but it had been haunting our client for almost 10 years... In 2009 our client was approached by the Warren police department regarding an allegation made by his ex-girlfriend’s daughter, that he had inappropriately touched her. The client adamantly denied that anything had happened and eventually the case was dropped. Then, in 2017, the girl – now 14 – again began telling people that our client had molested her when she was 5. This time the claims led to charges being filed against our client. He was arrested and placed on a \$200,000 bond. Thankfully his finance’ was able to contact Michigan defense attorney Chris Kessel and Nessel and Kessel Law.” [[Nessel & Kessel](#), 1/5/18]

In January 2016, the firm bragged about being able to get the girl to say she couldn’t remember the details of being molested and eventually, getting a not guilty verdict on charges of Second Degree Criminal Misconduct. “At the preliminary exam at the 37th district court, the prosecutor had the girl go into great detail about the alleged touching. However, at the

same hearing, Chris Kessel was able to get the girl to admit that she couldn't remember any of the details of the event. Then, in what would prove the most meaningful exchange in the case, the following questions and answers were placed on the record: Q: Isn't it true that you didn't have any physical contact with my client? A: Yes. Q: And isn't it true he never touched you at all? A: Yes. Despite this testimony at the preliminary exam, the case was still bound over for trial. 8 months later the trial commenced. For 3 days a jury heard testimony about a girl who was emotionally damaged, depressed, and still effected because of what happened to her. However, at the same time, Chris Kessel used the same witnesses to show that the girl had repeatedly changed her story, told the story when it would get her out of trouble, and forced her to confront her prior testimony that our client had never actually touched her at all. The jury deliberated for a [sic] entire 25 minutes before returning their verdict of 'not guilty.'" [[Nessel & Kessel](#), 1/5/18]

"For 3 days a jury heard testimony about a girl who was emotionally damaged, depressed, and still effected because of what happened to her." [[Nessel & Kessel](#), 1/5/18]

SEX OFFENDER LIST REMOVAL

Nessel's law firm advertises to help clients get their names removed from the Sex Offender Registry list for those committing statutory rape: "Don't let a sex offense ruin your life." ... "New amendments to the Michigan Sex Offender Registry Act (SORA) now make it possible to remove your name from the list. As of July 1, 2011, sex offenders who meet the 'Romeo and Juliet' – or statutory rape – exception, and juvenile offenders who were convicted before July 1, 2011 and were below the age of 14 when convicted are eligible to be removed from the SORA." [[Nessel and Kessel Law](#), 9/10/11]

- **How Nessel Defense Law Can Remove your name from the SORA.** "If you're a minor in Michigan convicted of having sex with another individual under the age of 16, it is now possible to remove your name from the SORA. You can petition to have your name removed and you may be granted a hearing to remove your name from the SORA." [[Nessel and Kessel Law](#), 9/10/11]

Nessel puts the words victim and offender in quotation marks when talking about statutory rape offenders. To do so, you'll have to demonstrate: The 'victim' consented to the sex act, and The 'victim' was no younger than 13 years old, and The 'offender' was no more than 4 years older than the 'victim'." [[Nessel and Kessel Law](#), 9/10/11]

“Nessel Defense Law will file your extensive paperwork and give you the best representation and advice possible during your petition and hearing.” [[Nessel and Kessel Law](#), 9/10/11]

- “Keep in mind that just because a hearing is scheduled, this does not grant automatic removal from the SORA. You only get ONE CHANCE to clear your name. If your hearing does not go well and your name is not removed from the SORA, you’ll have to keep appealing for the 10 – 15 years of your life. Don’t go through this process alone. You’ll need the quality legal team at Nessel Defense Law.” [[Nessel and Kessel Law](#), 9/10/11]

In October 2017, Nessel’s firm got a client removed from the sex offender list. “Prosecutor’s regularly object to these petitions...in fact defense attorney Chris Kessel has never had a hearing where a prosecutor didn’t object. But the prosecutor in this case didn’t merely object, but called my client a predator and a monster. However, while the prosecutor was only able to name call and place blame for kinds of tragic events at our client’s feet, attorney Chris Kessel was able to establish to the judge that his client was no longer a threat to society. Not only could Chris present a client who had successfully completed his probation and counseling and who has a long educational and work history, but he was able to show the judge that his client was simply not the type of person the SOR was meant for. And even after the prosecutor personally attacked our client, Chris Kessel was able to remind the judge that the legislature allows for court to make determinations based on a particular client and their circumstances and not the argument that no one should be allowed to be off the registry. Thankfully the judge saw it our way and signed the order allowing our client to be removed from the Sex Offender Registry.” [[Nessel and Kessel](#), 10/9/17]

MURDER CASE

EDITOR’S NOTE: The details of the mentioned case are unknown and would need to be requested from the courts.

Nessel’s firm says that they know how to force witnesses into admitting things to contradict themselves because charges in murder and assault charges are “often fueled by emotional and hostile witnesses.” “Murder and Assault charges are often fueled by emotional and hostile witnesses. More often than not, a verdict will hang solely on the testimony of a complaining witness. The means that you need an attorney who is skilled in the art of cross examination, who can force a witness to admit things that may contradict earlier statements, police reports, hospital

records, and other witnesses. Other times a case will turn on what the defendant's intent was during the alleged assault." [\[Nessel and Kessel, 8/30/17\]](#)

“We have the experience needed to persuade a prosecutor, judge, or jury.” “It can often times be difficult if not impossible to prove what someone's intent was. At Nessel and Kessel Law, we have the experience needed to persuade a prosecutor, judge, or jury that you did not have the necessary intent to convict.” [\[Nessel and Kessel, 8/30/17\]](#)

In August 2017, Nessel's firm bragged about being able to get murder charges dismissed because a witness, an EMS worker, could not identify who spoke to him or describe the manner of the statement, despite seeing the client driving the car of a fatal crash. “After facing murder charges stemming from an event that took place in 2015, our client almost fell over when a judge at the 36th district court ruled that the case would be dismissed for lack of evidence. Michigan defense attorney Chris Kessel was thrilled with the result, as he walked out of the courtroom with his client's family. The charges had actually been issues once before, back in 2015, but had been dismissed because a witness failed to appear. When the case was reissued our client was plucked from his home and dropped into the Wayne County Jail, not fully understanding what had happened. Several witnesses testified at the preliminary exam, though none of them could say that our client had been driving a vehicle at the time the vehicle was involved in a fatal crash. However, unlike the first time the case was brought, the prosecution presented an additional witness who testified that someone had told him that the client was seen driving an automobile that was involved in an accident. However, because the witness, an EMS worker, could not identify who spoke to him or describe the manner of the statement, Detroit defense attorney Chris Kessel objected to the statements as hearsay. At the end of the exam the judge took the extraordinary step of ordering the transcript of the hearing so that he could determine whether or not the new witness could support the renewed charges of murder. After several weeks of consideration, the judge ruled that the new witness could not sustain the reissuance of the charges and the case as dismissed.” [\[Nessel and Kessel, 8/30/17\]](#)

ARGUING AGAINST PROTECTIVE ORDERS

EDITOR'S NOTE: The details of the mentioned case are unknown and would need to be requested from the courts.

“At Nessel and Kessel Law, we have extensive experience defending our client against the ordering of a PPO. Our approach includes getting a detailed history of the relationship between the petitioner and respondent as well as speaking with any necessary witnesses or other parties

with crucial information. We will also gather phone records, emails, and any other documents that will help prove that you have not been engaged in any of the prohibited activities as outlined by the law. At the hearing, the court will allow both sides to present their case, which includes allowing the attorneys to question the parties. Depending on the facts and their presentation, the court will also engage in its own cross-examination of the parties involved. The court's questions will almost certainly be aimed at issues raised by the questioning of the lawyers. Often times a petitioner will want a PPO issued simply because they are mad at someone, because they don't want the respondent to have access to mutual children, or because there is a pending divorce and they want to use the legal system to their advantage. Whatever the reason, it's important to remember that a PPO is a court order, the violation of which can result in jail time. A PPO may seem 'routine', but it is an incredibly serious matter that can interfere with school, work, and other activities. If you have been served with a PPO, you need experienced attorneys who can show the court that the petitioner's allegations are false. Contact Nessel and Kessel Law today for a free consultation." [[Nessel and Kessel Law](#), 4/6/15]

In 2015, Nessel's law firm bragged about convincing a judge to terminate a protective order that was filed by a woman claiming to be sexually assaulted. "In a hearing at Third Circuit Court in the City of Detroit, attorney Chris Kessel was able to convince a judge to terminate a PPO in place against his client. The PPO (Personal Protection Order) was ordered ex parte, meaning at the time the PPO was ordered the client had no chance to contest the allegations. The Petitioner claimed that the PPO was necessary because the Respondent (our client) had sexually assaulted her. Standing alone, the allegations certainly warranted the issuance of the PPO, however, the allegations would have to stand up to cross examination by attorney Chris Kessel. Chris Kessel, after discussing the matter with his client, immediately filed a motion to terminate the PPO." [[Nessel and Kessel Law](#), 4/6/15]

Nessel's partner argued that the victim appeared to be more upset that her ex-boyfriend did not believe her story than she was about being sexually assaulted. "A hearing was scheduled where the Petitioner would be forced to defend her story under cross examination. Chris confronted the Petitioner with dozens of text messages sent between the Petitioner and her ex-boyfriend, where she attempted to explain the details of the sexual assault. Unfortunately for the Petitioner, she was unable to explain why her allegations changed (i.e. got worse) as the conversation progressed. The Petitioner was also forced to confront the fact that she appeared more upset that her ex-boyfriend did not believe her story, as opposed to being more upset about being sexually assaulted. Most importantly, Chris Kessel was able to establish that the Petitioner had never had any kind of problem with the Client before the alleged incident and had no

problems with him since. This final fact was incredibly important...and here's why." [[Nessel and Kessel Law](#), 4/6/15]

“Because Chris Kessel had walked the Petitioner into admitting that she had never had a prior problem with the Client, nor had she since the alleged assault, there was no basis to show that there was any harassment behavior that had taken place, or would likely take place in the future. And with that, the PPO was terminated.” “Upon her ruling, the judge commented that even if she had believed the Petitioner’s story, she would still have to deny the issuance of the PPO. The judge went on to say that a PPO is put in place to prevent harassing behavior that has taken place and may continue to take place, not to simply protect the ‘alleged’ victim of a crime. Because Chris Kessel had walked the Petitioner into admitting that she had never had a prior problem with the Client, nor had she since the alleged assault, there was no basis to show that there was any harassment behavior that had taken place, or would likely take place in the future. And with that, the PPO was terminated.” [[Nessel and Kessel Law](#), 4/6/15]

POLICE CASES

EDITOR’S NOTE: The details of mentioned cases are unknown and would need to be requested from the courts.

Nessel has investigated and prosecuted police officers who shot suspects. “Dana Nessel was also specially assigned to the Police Misconduct Unit, where she was assigned the task of investigating and prosecuting the fatal and non-fatal shooting of civilians by police officers as well as all in-custody deaths that occurred in the local lock-up units and county jail of Wayne County. Ms. Nessel conducted on-scene investigations and prosecuted officers found to have committed criminal violations. Ms. Nessel also performed training sessions for all Wayne County police departments on the use of force and proper prisoner detention procedures.” [[Nessel and Kessel Law](#), Accessed 2/8/18]

- “Dana was specially assigned to the Police Conduct Review Team, where she was tasked with investigating and prosecuting fatal and non-fatal shootings of civilians by police officers, as well as all in-custody deaths that occurred in local lock-up units and the Wayne County Jail. Dana conducted on-scene investigations and prosecuted officers found to have committed criminal violations. She also performed training sessions for all Wayne County police departments on the use of force and proper prisoner detention procedures.” [[Campaign Website](#), Accessed 2/21/18]

LARCENY CASE

EDITOR'S NOTE: The details of the mentioned case are unknown and would need to be requested from the courts.

In 2009, Dana Nessel was the attorney for a man on trial for larceny, safebreaking and other charges when he and another man rammed a stolen rental van into a gas station in the suburb of Taylor, made off with an automated teller machine and later fled from police. “Two Detroit men are headed to trial on charges that they rammed a stolen rental van into a gas station in the suburb of Taylor, made off with an automated teller machine and later fled from police. Taylor District Court Judge Geno Salomone on Wednesday bound 25-year-old Arthur Williams and 19-year-old Arthur Fountain over for trial on larceny, safebreaking and other charges. The men will be arraigned in Wayne County Circuit Court on Feb. 18. Police say Williams and Fountain were arrested after the ATM fell from the rear of the van. No money was taken from the machine. Messages seeking comment were left for Williams’ attorney, Dana Nessel, and Fountain’s attorney, Jeffrey Edison.” [[The Associated Press](#), 2/4/09]

Nessel’s client pleaded guilty to safebreaking and to a charge of fleeing and eluding police in the third degree. “Two Detroit men accused of ramming a stolen rental van into a gas station and making off with an automated teller machine have pleaded guilty to safebreaking. Arthur Williams and Arthur Fountain pleaded guilty Friday in Wayne County Circuit Court. Williams also pleaded guilty to a charge of fleeing and eluding police in the third degree. Williams faces three to 15 years in prison, and Fountain faces two to 15 years in prison at their April 7 sentencing before Judge Gregory Bill. Police say Williams and Fountain stole the ATM from a Taylor gas station but were arrested after it fell from the van’s rear.” [[The Associated Press](#), 3/20/09]

“Attorney Dana Nessel says Williams is taking responsibility for his actions.” [[The Associated Press](#), 3/20/09]

GAY MARRIAGE

EDITOR'S NOTE: The details of mentioned cases are unknown and would need to be requested from the courts.

Nessel has led the charge against Michigan’s ban on same-sex marriage. “Dana has led the charge against discrimination against gays and lesbians with a case challenging Michigan’s ban

on same-sex marriage. This case has received national attention, allowing the Nessel & Kessel name to reach all corners of the United States.” [[Nessel and Kessel Law](#), Accessed 2/8/18]

- **“That is why, just as heartily as we will argue for same-sex couples’ right to wed, we will open the doors to our office in Ann Arbor, Michigan for couples seeking a same-sex divorce.”** [[Nessel and Kessel Law](#), 4/20/15]
- **“We beat his ass at the Supreme Court...”** “Nessel claimed she was once denied a job by state Attorney General Bill Schuette’s office because she was a gay Democrat who had fought on the right side of political causes. Fast forward a few years to the battle on same-sex adoption and marriage, she said, ‘and we beat his ass at the Supreme Court.’” [[USA Today](#), 1/18/18]

“For years same-sex couples and activists have fought a system stacked ever-so-clearly in favor of heterosexual couples for the right to marry — and the right to divorce.” [[Nessel and Kessel Law](#), 4/20/15]

Nessel has agreed that same-sex marriages are more durable, and last longer than straight marriages. “Some have argued: But the evidence shows that same-sex marriages are more durable, and last longer than straight marriages! Well, yes. For now. While what Williams Institute researchers found backs up this claim (About one percent of gay marriages dissolve each year, while that number is double for straight couples.), that just can’t last. People are fickle, and fight; people cheat, and they lie. People get married, and stay married for all the wrong reasons.” [[Nessel and Kessel Law](#), 4/20/15]

CUSTODY BATTLE

Nessel took on a case punctuated by allegations of domestic violence and bad optics.

“Harmon wanted to press her own custody case in federal court, but lacked the resources to finance an expensive constitutional challenge herself. Across the country, a formidable alliance of civil rights lawyers and wealthy donors was recruiting plaintiffs for a multifront assault on state laws prohibiting gay marriage. But the messy facts of Harmon’s case, which arose from a failed relationship punctuated by allegations of domestic violence, made them wary. Bad optics, they warned Harmon’s lawyers. Too many escape hatches for a skittish federal judiciary eager to postpone a reckoning with the thorny issue of same-sex rights.” [[Detroit Free Press](#), 6/28/15]

Nessel was the attorney for a client who was accused of being an abusive partner and forced entry into her ex’s home when trying to see their children. “After the couple split, Harmon said, she had joint custody for 13 months until last September, when Davis’ new live-in partner told her she could no longer see the children. Harmon forced her way into her former home, prompting Davis to obtain a personal protection order preventing Harmon from having any contact with Davis or the children. Davis counters that Harmon was not a parent, the children don’t regard her as such, and that Harmon was abusive and has no legal right to joint custody because she is not their biological mother.” [[Detroit Free Press](#), 4/17/10]

- **The woman broke a garage door window to gain access to the house.** “Then, on the first day of school in September 2009, Harmon arrived at the Grosse Ile home she and Davis had shared to find Davis’ new partner blocking her path. Harmon says the partner told her the children were no longer hers. Harmon broke a garage door window to gain access to the house. The police were summoned, and within days Davis had secured a personal protection order against her ex.” [[Detroit Free Press](#), 6/28/15]
- “Dana Nessel and Nicole Childers, the lawyers Harmon sought out after the first-day-of-school fracas, were pessimistic about the prospects of enforcing the informal custody agreement she had struck with Davis the year before. Michigan law allowed a nonparent to seek custody of a child only under limited circumstances, they explained, none of which figured in her case. Harmon’s only chance, the lawyers agreed, was to convince the court that her parental rights should be recognized under a 1987 precedent in which the state Court of Appeals had awarded a divorced husband custody of the child his ex-wife had conceived with another man while she and her husband were still married.” [[Detroit Free Press](#), 6/28/15]

The case involved two lesbian partners which had broad and precedent-setting legal consequences for gay couples. “In a ruling that could have broad and precedent-setting legal consequences, a Downriver woman cleared the first hurdle Friday in her bid to get joint custody of three children she says she raised with the biological mother. If the decision stands up on appeal, it would be the first time gays, lesbians and unmarried heterosexuals in Michigan would have legal standing to obtain joint custody.” [[Detroit Free Press](#), 4/17/10]

- **“The end of a 19-year relationship between a gay couple marked the beginning of a long custody battle between two women, who both call themselves mom to three young children.** Renee Harmon said she wants the same kind of custody and visitation rights to her children, a 9-year-old and twin 6-year-olds that she had when she and her

former partner, Tammy Davis, were together. Harmon said she has raised the children since birth and even cut the umbilical cords.” [[Click On Detroit](#), 7/26/11]

- **“Renee is a parent for all intents and purposes. Michigan statues that define parents leave Renee out of that definition,’ said Harmon's attorney, Dana Nessler [sic].”** [[Click On Detroit](#), 7/26/11]

HEADLINE: “A landmark gay custody battle.” [[Detroit Free Press](#), 4/17/10]

- “Plaintiff and defendant had a same-gender domestic relationship for 19 years, during which time defendant bore three children through artificial insemination. The relationship ended in 2008, and plaintiff moved out of their shared residence. A period of shared parenting ensued, although the parties disagree about its length and about whether they had an agreement concerning parenting time. Eventually, defendant refused plaintiff any parenting time. Plaintiff filed a petition seeking enforcement of what she alleged had been the parties’ agreed custody arrangement and parenting time. She alleged that they had a ‘de facto legal custody arrangement’ from the time she moved out of their home until September 2009. Plaintiff further claimed that, after that date, defendant had unreasonably refused to allow her any parenting time with their children. Plaintiff later amended her petition to raise numerous constitutional claims and request a court determination that she has standing as a parent to seek custody of and parenting time with the children. After argument of counsel, the court ruled that plaintiff lacked standing as a ‘third person’ under the CCA. It opined that she might have standing as a ‘natural parent’ on the basis of her past assumption of parental obligations. Thus, it scheduled an evidentiary hearing to determine whether the parties had an agreement that both would raise the children. The court indicated that, if they had such an agreement, it would hold a best interests hearing to determine custody, support, and parenting time issues. Defendant sought leave to appeal in the Court of Appeals, which reversed the trial court’s decision by peremptory order. It held that plaintiff did not have standing under any theory.⁵ On remand, the trial court dismissed the case.” [[Michigan Supreme Court](#), 7/22/11]

“Under Michigan law, the only people who can petition for custody are biological parents or the husband of the biological mother, if the child was born during their marriage. An adoptive parent -- biological or nonbiological -- also may petition for custody, but the only people who may adopt in Michigan are married couples and single individuals, either gay or straight. The law essentially bars gay couples from adopting because of Proposal 2, the constitutional amendment that was approved in 2004, which limits marriage to a man and

a woman. The Supreme Court has interpreted it to also ban civil unions for gay couples.”

[\[Click On Detroit, 7/26/11\]](#)

A Wayne Circuit Judge of the family division decided the case should have its day in court.

“But the two lawyers pushed ahead, and they were happily surprised when Wayne Circuit Judge Kathleen McCarthy agreed that Harmon should have her day in court. McCarthy, who oversees the Wayne Circuit Court’s family division, is no wild-eyed crusader. She has spent 15 years in the trenches, dutifully applying the rules legislators have devised in their Leave-it-to-Beaver wonderland to the gritty reality of 21st-Century domestic relations. ‘I saw this, from the beginning, as an equal protection case,’ McCarthy recalled last week, referring to the phrase in the 14th Amendment that protects citizens from discriminatory treatment by their government. If Harmon could establish that she and Davis had struck an agreement to share child-rearing duties, she concluded in a 21-page order, the court would be obliged to recognize the parental rights of both women. McCarthy emphasized she had yet to decide whether Harmon was entitled to any parenting time. But she expressed irritation when Davis balked at making her daughter and sons available for an interview, and made it clear she expected to talk to the children about their relationship with both women.” [\[Detroit Free Press, 6/28/15\]](#)

But before that happened, the Michigan Court of Appeals stepped in and dismissed the custody petition. “Then, before an interview could be scheduled, the Michigan Court of Appeals stepped in, peremptorily dismissing Harmon’s custody petition.” [\[Detroit Free Press, 6/28/15\]](#)

Nessel took the case to the Michigan Supreme Court but the case was reassigned to a more conservative judge and rebuffed the bid for a hearing, and the case did not go any further.

“Harmon and her lawyers turned to the Michigan Supreme Court. In May 2010, when they asked the court’s seven justices for a hearing, four of the seven, including renegade Republican Elizabeth Weaver, had signaled their concern that Michigan was ignoring the rights of same-sex parents. Sensing a sympathetic majority, Harmon’s lawyers held out hope that the state’s highest court would revive McCarthy’s ruling. But before the court could rule on Harmon’s appeal, Weaver had resigned, and she was ultimately replaced by a more conservative Republican, Mary Beth Kelly. The following July, Kelly joined with three other GOP justices to rebuff Harmon’s bid for a hearing before the full court.” [\[Detroit Free Press, 6/28/15\]](#)

- “Harmon wanted to press her own custody case in federal court, but lacked the resources to finance an expensive constitutional challenge herself. Across the country, a formidable alliance of civil rights lawyers and wealthy donors was recruiting plaintiffs for a multifront assault on state laws prohibiting gay marriage. But the messy facts of

Harmon’s case, which arose from a failed relationship punctuated by allegations of domestic violence, made them wary.” [[Detroit Free Press](#), 6/28/15]

- **“Three other justices thought otherwise.** Justice Marilyn Kelly explained their rationale in an indignant dissent, arguing that the intersection of a state custody law that reserved parental rights to married spouses and a constitutional amendment that barred same-sex couples from marrying left citizens like Harmon with ‘no legal way to acquire standing’ in a custody dispute. Kelly said Harmon’s conundrum raised ‘serious constitutional issues which this Court has not yet considered,’ adding that her case ‘cries out for a ruling by the state’s highest court.’” [[Detroit Free Press](#), 6/28/15]

CONCLUSION

Plaintiff’s application raises significant constitutional questions that this Court has not yet considered. Courts across the country are grappling with similar issues.¹² Their jurisprudential significance is underscored by the fact that the ACLU Fund of Michigan and Family Watch International have already filed briefs amicus curiae.

Yet the majority today declines to consider plaintiff’s arguments and lets stand a peremptory order from the Court of Appeals that does not address plaintiff’s constitutional claims. This case cries out for a ruling by the state’s highest court.

[[Michigan Supreme Court](#), 7/22/11]

Later, another couple who’d followed the case closely, retained Nessel to file the constitutional challenge that culminated in the landmark Supreme Court ruling that struck down the laws that barred same-sex couples in Michigan and 12 other states from marrying and adopting children. “A few months later, April DeBoer and Jayne Rowse, two Hazel Park nurses who’d followed Harmon’s case closely, retained one of her lawyers, Dana Nessel, to file the constitutional challenge that culminated in Friday’s landmark ruling.” [[Detroit Free Press](#), 6/28/15]