

Six newcomers in race

Retirements make for unusual court race

By JOE MARTUCCI

This year's Oakland County Circuit Court race is unusual—only two incumbents are in the fray for the four six-year terms.

The other two vacancies on the bench were created by the retirement of Judges Arthur Moore and William Hampton.

The incumbent contenders for the job which has jurisdiction over serious criminal matters (felonies) and high misdemeanors (divorce cases and civil suits involving more than \$10,000) are Robert Webster and James Thorburn.

They will face three district court judges and three attorneys in the Nov. 2 contest.

The attorneys are David Breck, Robert Carr and Bernard Kaufman. The district judges are S. James Clarkson (4th district), Alice Gilbert (4th district) and Francis X. O'Brien (4th district).

The other judge's position will be on the ballot on an unexpired two-year term. Circuit Judge Steven Andrews, who was appointed by Gov. William Milliken to fill the vacancy created when Judge William Davies was appointed to the state court of appeals, is supposed to be seeking election to serve out that term.

The Observer & Eccentric posed several questions to the candidates. Their responses follow:

Q: "Would you support a proposed state constitutional amendment requiring that judges be appointed by the governor rather than elected, if candidates were screened by a committee composed of lawyers and laymen?"

A: "What factors would you consider in imposing sentence on those convicted in criminal matters?"

A: "What can be done from a practical standpoint besides adding more judges to handle the ever-increasing caseload?"

A: "Should judges have more input than they now do in the parole process?"

DAVID F. BRECK said: "Until recently, I would not have considered abolishing the people's right to elect judges. However, if this election for officers results in the election of some candidates then I will probably support a constitutional amendment."

Breck said he would weigh the following factors when imposing sentence: The nature of the crime, the record of the defendant and the necessity to deter the defendant and others from committing crimes.

The circuit court, according to Breck, has a relatively small backlog. He added, however, that innovations, such as Judge Robert Webster's system providing for uninterrupted trials daily until 10:30 p.m. with motions in the afternoon and individual accountability of judges for their cases, should be continued.

Q: "Concerning judges' role in the parole process, Breck responded: Judges do not have time to devote to parole problems and to determine whether a prisoner has been rehabilitated. That is a specialty for which judges are not suitably trained."

Robert W. Carr said:

"Some modification in the method of selecting judges is needed in this state since the electoral process has become a name game necessitating a large expenditure of funds for name recognition."

He added that gubernatorial appointments based on screening committee recommendations would be an acceptable alternative, providing the screening committee was carefully chosen.

On the issue of sentencing, Carr said the individual's background, and the severity and nature of the crime must be considered. "Those who commit crimes of violence as well as repeat offenders should, in general, be incarcerated."

Concerning the caseload problem, Carr said he would like to establish a "meaningful pretrial procedure... where the probability of settlement and the issues to be tried can be explored."

He added that such conferences held 60 days prior to trial "would help a great deal in decreasing the trial docket and could be accomplished at no additional cost."

Regarding judges' role in the parole process, the Waterford attorney said: "The issue of granting parole should be decided by means of an appropriate petition before the sentencing judge where input could be had from the parole board and the local prosecuting attorney (with) the ultimate decision being made by a circuit judge rather than by an administrative parole board as is the case at present."

S. JAMES CLARKSON said he opposed gubernatorial appointments to judges. "Judges must continue to be elected. Qualifications of judges should be mandates, such as experience, age and training. This is the answer, not an oligarchy."

In imposing sentence, Clarkson said he would consider the type of offense, the defendant's past criminal history and possibility of rehabilitation and preventive recommendations of the probation department.

To help reduce the caseload, Clarkson suggested greater use of the mandatory pretrial settlement conferences (for civil cases). As far as criminal matters are concerned, there is no alternative other than to add new judges.

Regarding parole, Clarkson said: "The entire parole system should be reviewed. Certain categories of offenses should not be subject to parole without the consent of the sentencing judge. Crimes such as first degree murder and armed robbery by repeat offenders should be denied any right to parole."

ALICE GILBERT said she would have to examine the wording of a proposed constitutional amendment before being able to comment on it.

Concerning sentencing, Ms. Gilbert said: "Basically the factors considered involve around the nature of the offense, whether an offense is against property or person, the intensity of the offense, the seriousness of the offense in relation to others offenses and the circumstances surrounding the offense."

Then the court considers the offender, his past record and history, his abilities and education, special problems, likelihood of repetition and rehabilitation.

Ms. Gilbert said she is a firm believer in utilizing modern business methods, such as computerization to keep abreast of the legal explosion.

She said judges should have more input into the parole process.

BERNARD L. KAUFMAN said he would not favor judicial appointments, unless we could have sufficient guarantees that partisanship would not enter into the selection.

Factors Kaufman would consider in imposing sentence would include: nature of the crime, against person or property, violent or non-violent, prior record of the perpetrator, presentencing report and the effect of the criminal activity on society.

To help ease the caseload, Kaufman said judges' productivity would increase by reducing "the massive amount of paper work involved." He also recommended that settlement conferences for civil cases be stepped-up early to dispose of cases that would probably be resolved prior to trial.

On the issue of parole, Kaufman said: "To leave judges out of that process, in cases involving violent crimes, courts disaster, as evidenced by the number of such crimes committed by those who receive an early parole."

FRANCIS X. O'BRIEN said: "I feel it is important that we, as judges, must not lose sight of our obligation to serve the public and also be directly accountable to them for our performance. This I feel is to some degree accomplished in the election process."

O'Brien said he would consider protection of society, accountability and rehabilitation in imposing sentence.

To handle the growing caseload, O'Brien said courts "must have an open mind to new technological methods of improving the administrative functions, such as data processing, audio visual aids and computerization."

O'Brien said judges should have more input in the parole process. "If there continues to be legislation which permits parole or early release before the minimum sentence is served."

JAMES S. THORBURN said he would support the proposed constitutional amendment, adding: "There are advantages to both methods, but on balance appointed is the preferred method for selecting judges and gives better results, although there are many exceptions to this rule."

In sentencing convicted criminals, Thorburn said he would consider: protection of society, deterrence and rehabilitation of the criminal in order that society may be protected in the future.

To manage the caseload, Thorburn suggested increasing the quality of supporting personnel. "In the Oakland County Circuit Court, there are the same number of personnel in 1976 as there were in 1930. The only difference is that the quality of the personnel is not as good."

Concerning the parole issue, the incumbent said: "Judges should have the right to impose minimum sentences which are meaningful. In addition, if someone is incarcerated in a prison, judicial proceeding should be required before parole is permitted."

ROBERT W. WEBSTER said while the proposed constitutional amendment has merit, he would prefer that judges be elected or appointed in the case of vacancies. When running for reelection, however, judges should be considered on the basis of having to wage a campaign against others.

On sentencing, Webster said: "The nature of the offense, prior record of the individual, his personality and family background are all considered to determine a sentence that will protect society, adequately punish, deter others from similar conduct and rehabilitate where possible."

The circuit court has demonstrated its ability to meet the caseload increase so far, according to Webster. He added: "If increased computer capacity is given, and our needs for administrative talent are met, we will be better able to maintain early control over complex cases and identify and dispose of cases that can be tried or settled quickly."

Webster also called for more judicial input in the parole process. "We aren't even informed when convicts are released today, except in exceptional cases. The failure of the Department of Corrections to exercise adequate discretion in granting so-called special good time is a travesty."

FLORIDA VACATIONERS TIME SHARING OWNERSHIP COMES TO DOLPHINS BAY

NOW YOU MAY OWN A WATERFRONT CONDOMINIUM VACATION HOME NEAR JENSEN BEACH, FLORIDA'S EAST COAST - PAY FOR THE TIME YOU USE IT AND STILL HAVE OWNERSHIP!

For more details call DOLPHINS BAY Time Sharing Ownerships Cell or Write ALL SEASONS RESORTS 28157 Desavine Madison Heights, Mich. 48071 (313) 543-1110

Students' social security affected by earnings

Students 18 to 22 receiving social security checks should report any changes in their earnings, school enrollment and marital status because it could affect payments.

More than 77,000 students get monthly social security payments because a parent gets retirement benefits or disability or has died, said Charles Anderson, Livonia social security manager.

Students can continue to receive payments to age 22 as long as they remain full time students and do not marry. Federal law requires that those who leave school, marry or start attending college on a part time basis should promptly notify social security so that their payments can be stopped.

If your earnings for 1979 will be over \$2,760 it should be reported, otherwise benefits will be withheld or have to be repaid at a later date.

Students 18 to 22 receiving social security checks should report any changes in their earnings, school enrollment and marital status because it could affect payments.

this is our kind of italian dressing

Exclusively at Whats Upstairs beautifully crafted 18kt Italian gold link chains and bracelets 15 to 24 inches starting at \$23.00

whats upstairs 120 w. maple, birmi. 644-4651

beautiful windows begin at Wickes

Highlight your windows with custom made drapes from Wickes. Choose from hundreds of colors, patterns and fabrics individually designed to add the finishing touch to your perfect room. And you can arrange for a free decorator consultation to assist you in your selection, to create that special "magazine" look without the decorator price.

20% OFF All Fabrics & Labor, Draperies, Woven Woods, Shades, Blinds Today Thru Oct. 27th

CALL NOW FOR YOUR FREE DECORATING APPOINTMENT

Wickes FURNITURE & DECORATING Center

To Your Hearth's Content SALE

On many of our fireplaces accessories is now on progress at JIMMIE RUSTICS 1 Tremendous Selection!

SCREENS From 16.95 to 99.95

BAR STOOL SALE from 11.95 to 79.00

DOZENS OF STYLINGS

- LOG HOLDERS
- FIRE PLACES
- GRATES
- GAS LOGS
- OTHER ACCESSORIES

GREAT SELECTION IN WICKER, MAPLE, PINE & UPHOLSTERED WITH HANDMADE STYLING from 18.95 to 79.95

LIVONIA 23900 W. 54 Mile (Just off I-75) 48150 325-4300 DAILY 9:30-5:30 Mon. 8 PM 10 PM

BIRMINGHAM 2114 Madison N.W. 35202 938-0000 DAILY 9:30-5:30 Thurs. 6 PM 10 PM