

County board balks at district judge's legal fees.

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By Kathy Perrih
staff writer

It's hard to get out of paying a bill —



Judge James Sheehy

especially one from a lawyer.

And Oakland County commissioners can expect a second billing on a Rochester judge's legal fees.

"It's a legitimate bill, and I'm surprised they didn't pay it," said 32nd District Judge James Sheehy, whom commissioners last week told to foot his own legal expenses.

"But I feel confident this will be resolved in my favor."

SHEEHY INCURRED \$3,760 in attorney's fees while defending himself in a lawsuit brought by the Oakland County Prosecutor's Office. The prosecutor's staff sought reinstatement of more than 100 cases the Rochester judge dismissed to clear a backlog.

The district judge reinstated 110 bench warrants a week before the hearing scheduled in Oakland County Circuit Judge James Thorburn's court-

room. The bill from his Birmingham attorney, Joseph Harding, is for 13.3 hours of legal work, including two hours of court time for a motion to dismiss.

While legally obligated to defend county officials like Sheehy, the commissioners apparently objected because he did not use their attorneys.

A commissioners' 1977 policy requires that outside legal counsel be employed only through the county Corporation Counsel and approved by a majority vote of the board. The policy was reinforced May 13 when commissioners sent out a letter saying it would be strictly followed.

WHEN SHEEHY'S request came up for a vote last week, Commissioner Lawrence Pernick, D-Southfield, objected to the words "Corporation Counsel was unable to defend Judge Sheehy on this matter and outside counsel was obtained."

"I believe it's an inaccurate statement of what happened," said Pernick, asking the words be removed from the resolution.

"I understand Corporation Counsel was not asked to represent him."

After striking the sentence, commissioners voted not to pay the bill.

BEHIND THE CONTROVERSY seems to be confusion over why Sheehy

hired his own attorney.

Corporation Counsel Jack Hays, who assigned a staff lawyer to the judge's case, said his office advised Sheehy to reinstate the cases. When the judge objected, Hays said he "adjourned" the case.

"Then he got another attorney and reinstated the cases and the matter was dismissed," said the county attorney. "It's not that judges can't hire outside counsel, but they should come to us first (for permission to hire outside counsel). We're here to defend them," he added.

The Rochester judge said he has no objection to the policy requiring use of

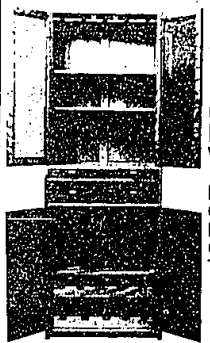
Corporation Counsel. And stressed that he followed county procedures.

"I don't know what happened, but I did everything I was supposed to," he said.

In a March 3 letter, Sheehy expressed concern about the way Corporation Counsel was handling his case. On March 4, Hays wrote back "you apparently no longer want us to represent you."

Deputy County Executive William Spinelli said he will try to get the issue reconsidered. It had been approved by the executive's office and the commission's finance committee before the board turned it down.

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