

Ternan vs. Cooper: 2 kinds of 'experience'

By Tim Richard
staff writer

Both talk about "experience." After that, there's little similarity between these rivals for an Oakland Circuit Court opening.

Lawrence Ternan, 46, Rochester Hills city attorney, puts his experience this way: "I've been a practicing attorney 21 years. The place to be trained for a Circuit Court Judge is to be a practicing attorney in Circuit Court."

"I've handled criminal, child custody, zoning, divorce, personal injury, both for plaintiffs and defendants."

Jessica Cooper, 40, District Court Judge in Southfield, puts her experience this way: "I've been on the bench almost eight years. We get referrals from Circuit Court. I've tried cases of medical malpractice, handled complex pre-trial examinations of two or three days on murder and rape."

"Mr. Ternan's experience cannot compare in the fields of negligence and criminal law. His field of expertise is zoning."

THERE ARE differences in background once you get past the bar association committees.

Cooper is Jewish, single, a founder or member of three women's legal groups, and on the board of a domestic violence shelter.

She refers disdainfully to Ternan supporters as "good ol' boys."

Ternan is Methodist, a family man, Republican and Kiwanian. He has been on the board of a children's home and a camp.

His supporters emphasize he has the "temperament" to be a judge.

Their Nov. 4 match is the only countywide race in Oakland County.

The other circuit and the probate



'In the last 10 years, I've specialized in the area of zoning. I've handled 15 cases against Avon Township (predecessor of Rochester Hills) in 1 1/2 years, and we succeeded in every one.'

— Lawrence Ternan



'It took a while to establish what we call a judicial temperament... not popping off, speaking with authority and not being questioned. The way to win a popularity contest is not to be a judge.'

— Jessica Cooper

Judges are unopposed; the executive and sheriff races are two years away.

They seek to succeed retiring Judge Fredrick Ziem for eight-year terms.

Both like to talk about their jobs.

"IN THE LAST 10 years," said Ternan in an interview in his Bloomfield Hills law office, "I've specialized in the area of zoning. I've handled 15 cases against Avon Township (predecessor of Rochester Hills) in 1 1/2 years, and we succeeded in every one."

"I've been involved in drafting amendments to the (state) Zoning Enabling Act. Justice Charles Levin cited one of my Bar Journal articles in a "Supreme Court decision" footnote. The Court of Appeals has quoted me."

His most interesting cases? One was a Rochester Road zoning case, which he won before Circuit

Judge Steven Andrews. The Court of Appeals reversed, saying the township abused its discretion. The Michigan Supreme Court reversed the appeals court, upholding the township.

"It's a case that's being cited now," Ternan said.

He won a case in which the township restricted mechanical amusement devices.

"I'VE BEEN involved in fighting landfills," he went on.

"I represented St. Clair County and Fort Gratiot Township to prevent Macomb waste from going in. The Court of Appeals affirmed the circuit judge. It's on leave to appeal to the Supreme Court."

"We've had a number of landfill suits in Avon Township/Rochester Hills. We've been successful in establishing rules against landfills."

A veteran of many divorce and child custody proceedings, Ternan raises an eyebrow at the Circuit Court's tendency "not to try divorce cases but force the parties to settle out of court. A circuit judge should try cases," he said. He emphasized "should."

against Michigan Bell that took eight years to settle. It was as complex a case as you can imagine," she said.

"There were 180 women who were classified as engineering layout clerks (ELCs). They sued Michigan Bell. All the ELCs were female."

"All the field assistants were male. They did the same kind of work but had different pay scales."

Cooper represented the women workers. The case was settled out of U.S. District Court after she was elected district judge.

Another favorite case was against the city of Farmington Hills. She represented two men who had worked as emergency medical service technicians.

The city shifted from a volunteer to a full-time fire department. The city ruled they couldn't test for their old positions if they were under 5-foot-7 or over age 35, which would have eliminated her clients.

"These aren't protected cases under federal law," Cooper recalled. "But under Michigan's Elliott-Larsen (civil rights) act, they are. We had a heck of an argument in Circuit Court."

"The city allowed them to test."

A "fascinating" but unhappy case, Cooper said, was a woman whose boyfriend slit her wrists. "She wouldn't testify against him because he was the father of her child."

"I sit on the board of Haven, a

shelter for abused spouses and counseling center for rape victims. That was an extreme case of a woman who accepted abuse from a man. This was the ultimate situation. It wasn't that I enjoyed it," she added.

COOPER BROUGHT up the temperament issue herself during an interview in her chambers.

In 1978 she defeated incumbent Judge James Clarkson, who, she recalled, "had said some pretty offensive things about women." After a tough race, she was surprised to find herself a judge at the age of 33.

"It took a while to establish what we call a judicial temperament," which she defined as "not popping off, speaking with authority and not being questioned."

The life, she said, is "different... isolating... lonely."

"The way to win a popularity contest is not to be a judge."

TERNAN SUPPORTERS say Cooper has a reputation for threatening attorneys with contempt of court charges.

"I've never found an attorney in contempt. I've threatened a couple," she said, recalling her early days on the bench.

"You get the testing — how far can I go? Any new judge is going to get them. I don't get that any more," she said.

A judge should "not be a prosecutor's judge or a defense judge. The trial judge is a determiner of fact and, in certain cases, the determiner of law. You keep your own personal philosophy out."

\$2 million rebate on sewer charges

Customers of the Southeastern Oakland County Sewage Disposal System are due for rebates and rate reductions of \$2 million, county Drain Commissioner George W. Kuhn announced.

Kuhn said that under an agreement with the Detroit Water and

Sewer Department, the so-called "overflow allowance" for wastewater that overflows into the Detroit River will be 8 percent of the average flow.

"The financial effects of this agreement will be savings of over \$500,000 per year," Kuhn said.

COOPER'S FAVORITE cases in her five years as a practicing attorney?

"I had a class action lawsuit

BASIN STREET

FEATURING:

- DANCING
- FASHION SHOWS
- BUSINESS MEN'S LUNCHEONS

PRIVATE PARTIES WELCOME

FOR MORE INFORMATION:

CALL 537-7500

21-113 W. EIGHT MILE

(BETWEEN LAISER & EVERGREEN)

MOST MAJOR CREDIT CARDS

IT'S HERE! PANASONIC PANDEMONIUM

THE LATEST AND LOWEST PRICED CELLULAR PHONES



BROUGHT TO YOU BY

TRANSPORTABLE



Weights Under 6 lbs.

CALL FOR YOUR NEAREST CELLNET AGENT AT... 588-3894

Something to smile about...

University of Michigan School of Dentistry needs children and adolescents as dental patients.

The School of Dentistry at the University of Michigan has immediate openings for children and adolescents (5-16 years) and future openings for younger children (2-4 years) as dental patients to be treated in the children's clinic.

Emergency treatment and regular dental care are provided at low cost, dental insurance and Medicaid are accepted. All handicapped children will be accepted for treatment.

If interested, call 764-1523 & 764-1524 for an appointment on weekdays from 8:00 A.M. - 12 noon and 1:00 - 5:00 P.M.

DuMouchelles OCTOBER AUCTION

ESTATE AUCTION

FRIDAY, OCTOBER 24 - 7:00 p.m.; SATURDAY, OCTOBER 25 - 11:00 a.m.

SUNDAY, OCTOBER 26 - 12:00 noon

Preview exhibition begins October 17, 1980, through the sales dates, 10:00 a.m.-9:00 p.m.

Illustrated catalogues \$10.00 postpaid. Call or write for a free brochure.

FEATURING: FRIDAY:

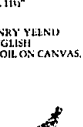
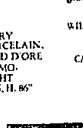
Rookwood pottery, Dalt porcelain, Toy Trains; "o" gauge, Diamond and hardstone jewelry, Oriental rugs, Oil paintings

SATURDAY:

Georgian silver, Antique dolls, Victorian and Art Nouveau furniture, Oriental rugs, Antique Moisson, Reed & Barton Francis I flatware, Royal Crown Derby, Royal Doulton, French furniture

SUNDAY:

Important Sevres collection including: Sevres annular clock pair of torches; Sevres pedestal and urns, Tiffany Favril glass and gilt bronze ten-light Lily Lamp, Fine Jewelry, Oriental rugs, Extensive collection of fine oil paintings including: Th. Kloebsch, Douglas Arthur Todd, Yoond King, J. Jardins, Alfred E. Chalon R.A., Francis Murphy, Robert Hopkin, William Watson, Warren Sheppard, Henry Ward Ranger, Emilia Vernon, Melanio Besom, and Will H. Low, Newell Conovers Wyeth-collection of 14 drawings, Muller Freres cameo glass vase



TIME THAT'S NEVER OUT OF DATE.

These elegant women's watches are the embodiment of classic good taste; perfect any time, any place. In textured 14k gold, surrounded by diamonds. From Baume & Mercier.

CHARLES W. WARREN

JEWELERS SINCE 1902

507 EAST WALK, SUITE 1000, DETROIT, MI 48226

FOR MORE INFORMATION, CALL 313-963-1111

DuMouchelles 409 East Jefferson • Detroit, MI 48226 • Phone (313) 983-8255

Across from the Renaissance Center Auctioneers and Appraisers in Michigan, Ohio and the Midwest since 1927