Griffin, Kallman criticize judge-made law

Michigan Supreme Court justices are making law — and doing it wrong, according to two Republican nominees for the high court.

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Robert P. Griffin, better known as
a former two-term U.S. senator,
said, "I condemn the court for legislating," citing a 1979 decision abolishing the doctrine of contributory

negagence.

Griffin, seeking a seat on the nonpartisan court for the second time,
told an Oakland County audience
Tuesday that Michigan's business
climate is hurt "largely because of
decisions of the Supreme Court."

James Kallman, an Ingham Coun-ty circuit judge, chided Supreme Court justices for letting Court of Appeals panels issue conflicting opinions that open the door for more

IN THE FINAL week of the cam-palgn, Griffin and Kallman ad-

dressed the 300 Club, a breakfast meeting in Birmingham of Republican contributors.

They are opposed by Democratic Party nominese Demis Archer, an incumbent justice who was appointed to the court earlier this year by Gov. James Blanchard, and Dean Robb, a Traverse City attorney and civil libertarian. Twenty "independent" candidates are on the ballot, too, by virtue of filing an affidavit. All but a handful have been inactive candidates.

Griffin said that as he travels the

Griffin said that as he travels the state, he sees news stories of "the only doctor in town is packing up and quitting. Leaving town. Or the only baby doctor. We're on the verge of a serious problem."

The cause is high liability insur-nce rates, he said, and the reason is ance rates, he said, and the a Supreme Court decision.

Traditionally, a person guilty of any "contributory negligence" in an accident couldn't sue to collect dam-ages. But, in 1979, Griffin said, "The Michigan Supreme Court abollshed



Robert P. Griffin trial lawyers aggressive

the defense of contributory negli-gence. You can be 90 or 95 percent at blame, and you have a sult. You can recover what a jury says it's worth. That 5-10 percent can be a

lot.
"It's getting easier and easier to get to a jury and have larger and larger awards approved," sald Grif-in, adding that such a change in law should have been made only by a two-house Legislature with its structure of committees and public hear-

HE SAID REFORM in the law of tort (damages for injuries) is resisted by the Michigan Trial Lawyers Asso-ciation, a group representing 10 per-cent of the state's 24,000 lawyers that brings liability suits for plain-

that orings nowing —

tiffs.

"They have been very aggressive in the last 10 or 20 years, bringing more cases for larger jury verdicts," Griffin said. "They've got good reason to want the system to stay the word it is.

"The two Democratic nominees come out of the MTLA" and the group has consistently argued argued against reform, he said. The soaring liability insurance rates for doctors and others is "exclusively

the creation of big insurance companies," he added.
Griffin said that while the insurance companies were "not squeaky clean," the court decision had more to do with insurance rates.

He said the Supreme Court made law again in the so-called Toussaint case by allowing a person bired for an Indefinite term to collect damages when fired. "It's a full employment bill for lawyers. There are firms in this state that do nothing but bring and defend Toussaint cases," he said.

KALLMAN, WHO calls bimself a "strict constructionist" and delights in being labeled "a tough law-and-order judge," criticized a Supreme Court opinion in a Shelby Township case that said the word "shall" doesn't mean "mandatory," in defiance of dictionary delinitions. "I've had three lawyers stand front of me and argue that shall is not "mandatory." I threw 'em out of court, "Kallman said.
Criticizing the Supreme Court for

allowing conflicting appeals court decisions, Kaliman said: "I went one way on a no-fault case and got reversed. So the next time I went the other way — and got reversed. "The Supreme Court could order the Court of Appeals to sit down and resolve conflicting opinions or else bring them to the Supreme Court."

Attorneys, seeing such conflicts in judge-made law, decide to "take a chance" and file a sult, contributing to the "logjam" in the trial courts, he said.

Kallman, in 1963, was appointed a probate and juvenite court judge by then-Gov. George Romney. Kallman said he was ordering juvenile defendants to be advised of their legality and provided with attorneys two years before the U.S. Supreme Court ordered it in the so-called "Miranda" case.

Kallman has been a circuit judge since 1973, a Court of Claims judge since 1978 and a visiting judge on the Court of Appeals on a half-dozen oc-

Independent challenges Griffin bid

Jerry J. Kaufman, a Huntington Woods lawyer running as an Inde-Woods lawyer running as an Independent for the state Supreme Court, sald he wants the attorney general to investigate Robert P. Griffin, the Republican nominee, for ethical violations

Kaufman, 32, handed Griffin, 62, a letter asking him to resign as the GOP nominee only a week be-fore the election. The meeting oc-curred Tuesday after Griffin ad-dressed a GOP gathering in Bir-

-drapery boutique

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Kaufman sald Griffin filed a registration form as a state lobbyist but falled to list any income, expenditure or lobbying activities.

"What If I didn't do any lobbying?" Griffin asked. "Half the lawyers in my firm registered as lobbyists."

yers in my firm registered as loosy-ists."

Griffin's campalgo contributions.

We said Griffin's status gave "the appearance of impropriety."

"Absolutely ridiculous," said Griffin, walking off.

Kaufman is one of 20 independent
candidates running for the high court
under a rule that allowed them to
file with the signature of one sup-

porter. He said he is accepting no contributions and doing no advertis-ing.









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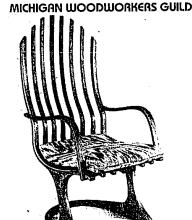
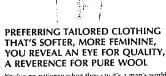


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