

Probate Court opening draws 5 hopefuls

By Tim Richard
staff writer

There's a book on "How to Avoid Probate."

But Oakland voters won't be able to avoid probate on the Aug. 2 non-partisan ballot. Five lawyers are seeking a chance to succeed retiring Probate Judge Norman Barnard in the \$82,000-a-year post.

The two top vote-getters will meet in the Nov. 8 runoff. Winner starts a six-year term Jan. 1.

The "Barnard seat" is the only Oakland County judicial contest on the primary ballot. Two candidates are seeking the "O'Brien seat" on the Probate Court, and two are running the Circuit Court seat being vacated by James Thorburn, so no primary is necessary there.

Candidates were interviewed by an Oakland Citizens League panel in this order:



Joan Young
Circuit Court administrator

Joan E. Young

JOAN E. YOUNG, 40, of Birmingham, has been Circuit Court administrator since 1982 and was deputy from 1979-82.

"I began as a social worker 19 years ago handling child abuse and neglect cases," said the 1985 graduate of Michigan State University.

"A probate judge has real power to improve the lives of children," Young said, citing battered child cases that a judge in her early experience failed to recognize. She estimated about half the court's cases involve abused, neglected and delinquent children.

Unlike Wayne County, which has a specialized juvenile division within Probate Court, Oakland uses "a blind draw" on cases, Young said. "The variety helps a judge be more efficient and attentive."

In 1974 she received her law degree from Wayne State and in five years of private practice handled juvenile, domestic, wills and trusts, criminal and other litigation.

Young admitted to "little experience in decedent's estates — I would have to update myself. I'm a quick and good study."

But she claims expertise in administration. "I know how to manage resources," Young said, pointing to the staff of 200 and budget of \$12 million she handles in Circuit Court.

Other landmarks in her career:

- Chair of the state Teacher Tenure Commission, 1983.
- Member of Supreme Court task force on "gender issues in the courts."
- President of the Michigan Association of Circuit Court Administrators, 1984-8, currently chair of that group's court forms committee.
- Member of State Bar committees on trial court administration and plain English.

James P. Delaney

JAMES P. DELANEY, 38, of Beverly Hills, is a senior level assistant on the staff of Attorney General Frank Kelley.

"From the first day (1978), I represented the state in probate courts — wills, trusts, guardianships, escheats," he said.

Delaney worked in the public administrator division for eight years, then shifted to the Department of Social Services. "It's a more varied courtroom practice," he said, citing appearances in circuit, appellate and federal courts as well as administrative agencies.

Asked his experience in juvenile cases, Delaney said, "It's a very big portion of the probate court's business. It will probably become much bigger."

"I've tried to acquaint myself with that law. I haven't practiced it. I do see the abused and neglected in the DSS in adult foster care homes."

One Oakland Citizens League reviewer criticized a campaign handout which said, "It's time for Judge Delaney," for giving the impression he already is a judge.

"It's a good piece," he replied. "I've read every statute. It's a fair piece."

Delaney earned degrees from the University of Detroit and Detroit College of Law. Other career highlights:

- Village councilman in Beverly Hills, 1986-8, and earlier a member of its planning board.
- Member of the juvenile court committee of the Oakland Bar.
- Member of the probate and trust law section of the State Bar.

Thomas M. Brennan

THOMAS M. BRENNAN, 42, of Troy, does 30 percent of his practice in probate court, three-fourths of it in Macomb County. His office is in Utica.

"I was employed by First Federal (Savings & Loan) as a mortgage representative and rose to become vice president and general counsel," he said of his career from 1972-77. "But I wanted to go into private practice."

He is unrelated to a host of Brennans who have served as Michigan judges. "The Brennan name in Ireland is like Smith in England," he said.

Most of his probate work is in estates and guardianships rather than mental commitments or juvenile cases, he said.

"Probate is a special court. You can't run it on black-letter law. Court personnel have to be more responsive to people," he said.

Several years ago Brennan was critically injured while riding a bicycle at 5 a.m. by an 18-year-old girl driving home drunk from a party. Except for a resulting speech impediment, he said he has been "100 percent for 18 months."

Brennan earned degrees from John Carroll University in Cleveland and the Detroit College of Law. Other career highlights:

- President (1987) of the Sterling Heights Area Chamber of Commerce.
- Chairman (1980-1) of the young lawyers section of the Macomb Bar.
- Director and member of the Utica Rotary Club.

Hugh Dean

HUGH DEAN, 48, of Bloomfield Township, said he is "the only person who acts as a legal advisor and manager" on the Oakland Probate Court staff. "The judges ask me about the code."

Dean is manager of two divisions — estates and mental health — of the court. He has been on the court staff 10 years after five years as a



David I. Kaufman
former Recorder's judge

trial attorney. He earned his law degree in 1965 and was with First of Michigan for 11 years.

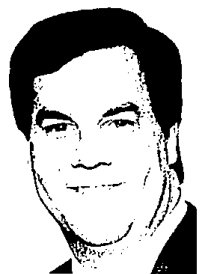
Contradicting candidate Young, Dean said probate court work "is not 50 percent juvenile. It's less than 30 percent." Another 30 percent is estate and 30 percent guardianships.

"I think I'm best qualified. I think I've got the broad-based experience. Some candidates have expertise in certain areas," he said.

"There have been major changes (in probate law). Anyone who says they did probate work 10 years ago can't be up to date."

Other highlights of Dean's career:

- Member of the estate and trust committee and mental health committee of the Oakland Bar.



James P. Delaney
assistant attorney general

mittee of the Oakland Bar.

- Member of a countywide Protective Service Network.

- Originator of a working committee with Clinton Valley Center, a state mental hospital, to aid patients and their families.

- Presenter of a seminar on probate procedures for the young attorneys section of the Oakland Bar.

- Adjunct professor teaching probate practice in Mercy College's paralegal program.

- Provider of a seminar at Walsh College on fiduciary and probate accounting.

- Contributor to the county bar's Latches magazine, the Legal News and a WDET public radio program.



Thomas M. Brennan
attorney from Troy



Hugh Dean
Probate Court manager

What is Probate Court?

"Probate Court, a court, found in about one-half of the states, with jurisdiction over wills, estates, guardians and minors. Probate courts are found at the county level. . . . Much of the work connected with probate courts is administrative in nature, being concerned largely with ensuring proper handling of minors and estates by guardians and administrators. Juries are rarely used. . . ."

"Significance: Probating, or proving, the authenticity of a will and the subsequent administration of an estate is an important element of American law, which reflects concern with property rights. The rights of minors, too, are zealously protected. . . ."

— "The American Political Dictionary" by Plano and Greenberg



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HUDSON'S