

Judgeships open

You needn't be kin for bench appointment

If you want to be elected a judge, it helps to have a relative on the state Supreme Court.

But if you want to be appointed to fill a judicial vacancy, send a letter of application and your resume to Gov. James J. Blanchard. He will fill eight vacancies statewide as a result of the Nov. 8 elections.

Here are some deadlines:

• Dec. 22 for two vacancies on the Wayne Circuit Court bench. Voters elevated Judges Maureen Reilly and Thomas Brennan to the Court of Appeals in November.

• Dec. 29 for the Oakland Circuit Court. Judge Norman Lippitt, himself an appointee, is resigning.

• Dec. 29 for the 48th District Court, which serves the cities of Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor and Orchard Lake Village; and the townships of Bloomfield and West Bloomfield. Judge Edward Sosnick will vacate the post because he was elected to the circuit court.

An applicant must have received a juris doctor degree and be a member in good standing of the State Bar of Michigan. Applicants are screened by the judicial qualifications committee of the State Bar.

Applications should be addressed to: Gov. James J. Blanchard, Personnel Office, 116 W. Allegan, Lansing 48909.

PATRICIA AND Terrance Boyle debate legal matters all day on the bench, and then go home to each other and argue law some more. Both said they are able to make decisions independent of each other.

But Pat Boyle, the Supreme Court justice, said she takes extra precautions to guard against the perception of conflict when she acts on cases her husband heard as a trial judge. Terry Boyle is a Detroit Recorder's Court judge.

Boyle is one of three Supreme Court justices who have relatives on a lower Michigan court.

With the November election of Traverse City attorney Richard Griffin to the Appeals Court, he and Supreme Court Justice Robert Griffin become the first father-son team to serve simultaneously on Michigan appellate panels. The Court of Appeals was instituted in 1965.

Mark Cavanagh, a Rochester Hills attorney elected this November to the Michigan Court of Appeals, will serve one step below his uncle, Michael Cavanagh, who serves on the state's high court.

MICHIGAN JUDGES must disqualify themselves if they:

• Previously served as an attorney in a case before the bench.
• Worked within the previous two years in the same law firm representing a party to the case.

• Have a financial interest in a corporation that is a party to the case.
• Have personally been involved with an attorney or party to the case.

The Michigan Rules of Court indicate judges should be disqualified when they cannot impartially hear a case. The Rules of Professional and Judicial Conduct say a judge should not allow family to influence judicial conduct or judgment, and should be disqualified in cases of impropriety or the appearance of impropriety.

BUT NO rule specifically addresses whether appellate judges should disqualify themselves in cases that relatives also have ruled on as judges.

Justice Boyle said she won't rule on cases that originated in her husband's courtroom if her vote would make a difference in the final ruling, or if she was privy to information because it was mentioned at home.

"If my vote is needed one way or

another, I will disqualify myself — which has happened very frequently — except when he is serving as an acting judge on the Court of Appeals," she said. "Then you're not reviewing anything but the question of law, not how he called the facts."

"I know I can decide questions independently, but my ultimate concern is about the appearance to the public on whether I can act independently. The important thing is that the public have confidence in the judicial system."

Terry Boyle said he doesn't think his wife should step aside from handling cases he heard.

"I would probably work harder to turn over a case if she worked on it — I tend to be a little pookish. My wife and I argue law all of the time," he said. "I guess the layman's approach would be, 'Hey, he sleeps with that woman every night — how can it not affect the decisions he makes?'"

"I don't think it does. But the easiest thing to do is avoid it."

Cunningham new court administrator

Judy Cunningham is moving up to become administrator and judicial assistant for the Oakland Circuit Court.



Judy Cunningham promoted

The Bloomfield Township resident previously was deputy to Joan E. Young, who on Nov. 8 was elected probate judge. The announcement was made by Chief Circuit Judge Robert C. Anderson.

A former college English teacher, Cunningham in 1983 earned her law degree magna cum laude from Detroit College of Law.

She is former chair of the Oakland Bar Association's Law Day Committee and in 1985 received the bar's distinguished service award for that work. She is a member of various professional groups. She and her attorney husband, James, have two children.

In other court news this week:

• Edward Sosnick was formally invested as circuit judge Wednesday. Sosnick, who takes office Jan. 1, was a 48th district judge until his election in November. He replaces James S. Thorburn, who is retiring.

• Joan Young will be invested as probate judge at 3:30 p.m. Friday. She was elected to replace Norman R. Barnard, who is retiring.

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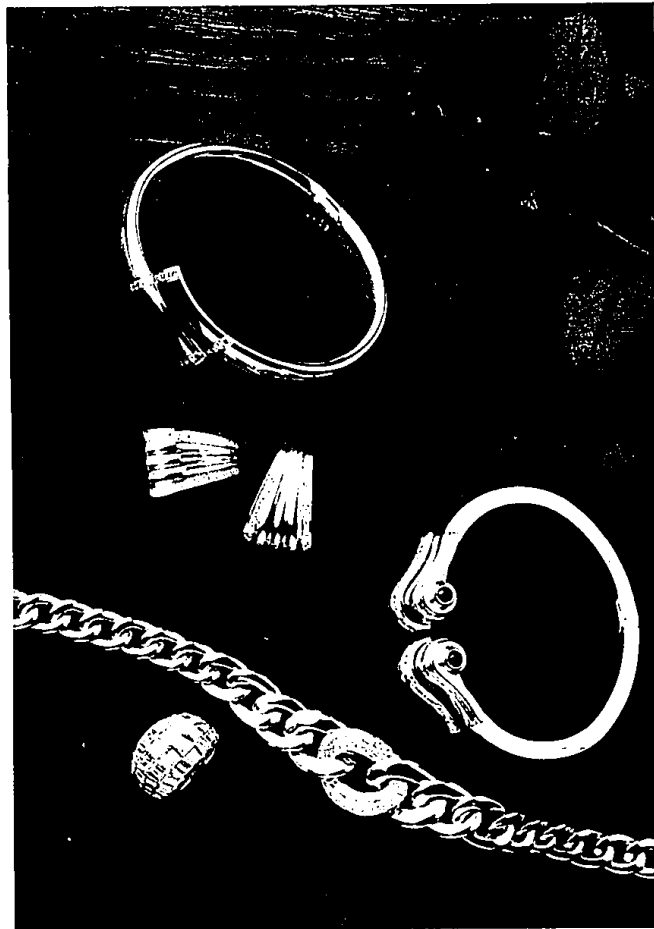
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