

points of view

View from bench too narrow for judges

I GOT a call Tuesday, which coincidentally was Law Day, from Oakland Probate Judge Barry Grant. Uh, oh, I thought — it's probably about last week's column and I missed some program he has initiated.

The column dealt with a number of Oakland County judges who are getting out from behind the bench and out into the community. They're taking note of what they see in the courtroom and reaching out to help

design some solutions. They're doing more than what we have expected in the past from our legal system.

Judge Grant's call did have to do with the column. Did I want to go one step further and consider another arm of judge outreach — judges serving on volunteer boards? Then he filled me in on the controversy in which he and Oakland Circuit Judge Hilda Gage are currently immersed. The state court administrator's office recently ordered judges who



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sit on boards of directors of any corporations and civic or charitable organizations that regularly appear as a plaintiff or defendant in any court

to give up their board seats or face discipline from the tenure commission.

It was based on an interpretation of a 1974 rule adopted by the Michigan Supreme Court defining improper outside activities by judges. The canon states: "A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court."

GRANT AGREES that judges shouldn't sit on corporate boards, particularly for which they receive remuneration. But he has a problem with forbidding them to serve on the boards of a non-profit, such as a hospital, board — although certainly hospitals in this day and age are frequently in court.

Grant serves on the Beaumont Hospital Board from which he receives no director's fee but a lot of pleasure. Chances are slim that a hospital case would appear before a judge of probate.

Gage serves on the Children's Hospital of Michigan Board, for which she receives no money. Since Children's Hospital is in Wayne County, it is similarly doubtful that a case would come before her as an Oakland County judge.

"It's a judge's duty as a judge and caring human being to put something back into the community," Grant says, pointing out that this is National Volunteer Week. "And there is not a better place to assist than to serve in the important area of health care for other human beings."

"Neither of us are going to resign," Grant said. "We don't want to be isolated."

AN IRONY is that both Gage and Grant are members of the Michigan Judicial Tenure Commission, which

polices the state's judges. And the commission will meet this month to consider the cases of two Wayne County judges, Probate Judges Y. Gladys Barsamian and Joseph Pernick.

Both collect a stipend from the hospital boards on which they serve, Pernick from Botsford General Hospital in Farmington Hills and Barsamian from Aurora Hospital in Detroit.

By the way, federal judges are openly permitted to sit on hospital and related boards. For example, Federal Judge Bernard Friedman of West Bloomfield serves with Gage on Children's Hospital.

It appears that in their zeal to have judges remain above board, the state court administrators may have over-interpreted the conflict of interest canon. Of course there is always the chance that a hospital or non-profit's case may come before a judge on whose board he or she serves. But conflict of interest situations are resolved by turning the case back to another judge.

Meanwhile, we need judges who can see more of and give more to their communities than from behind the bench.

Judith Doner Berne is assistant managing editor for the Oakland County editions of the Observer & Eccentric Newspapers.

Drug problem at Farmington High not new

The writer, Jason Forge, is a member of the Farmington High graduating class of 1986.

THE SECOND-TO-LAST thing I want to do is give your newspaper another excuse to exorcise Farmington High School. However, the last thing that I want to do is let the administrators at FHS paint a picture of shock, describing the March 29 drug incident at the school.

According to your April 5 article, assistant principal Jerry Allison considered the incident "... a big deal because there were some drugs in the building." Now, if someone slaps me in the face and denies it was intentional, I'm annoyed, but if someone slaps me in the face and denies it happened, I'm livid.

guest column

For four years, ending in 1986, school administrators slapped me and my classmates in our faces with their apathetic attitudes. From repulsive restrooms to dim-bag drug deals, we could depend on our fine administrators to uphold the unwritten code of laissez-faire. While attending FHS, I was annoyed. Now I'm livid.

A big deal? DRUG USE and abuse at Farmington High were not sporadic activities.

Everyday, students sold, bought and used drugs in the FHS parking lot. Drug use was so pervasive and the risk of capture was so slim, I recall watching three students each do a line of cocaine in front of the chemistry class — right underneath the teacher's nose (in a figurative sense, of course).

Allison's "big deal" declaration wasn't the only facet of your article that didn't ring true, though I also found it odd that a teacher would read a statement to students explaining, "... all day, Farmington students were very upset about drugs being sold in our school."

What a crock. If Farmington students got upset everytime drugs were sold at the school, FHS would be the ulcer capital of the world.

Maybe this teacher was just pointing out that dealing, like running, is an outdoor activity and, therefore, should not be performed in school.

Factually, I can only write about the drug problems that I witnessed while I attended FHS. This recent incident, however, makes me think that things haven't changed much in Falcon Land. The students are still soaring high while the administrators passively wait for them to come down, never considering clipping their wings.

In celebration of at least the eighth anniversary of their ineptness, FHS administrators should step, or be shoved aside, allowing more enthusiastic and more competent individuals to do the job they couldn't, or wouldn't, do.

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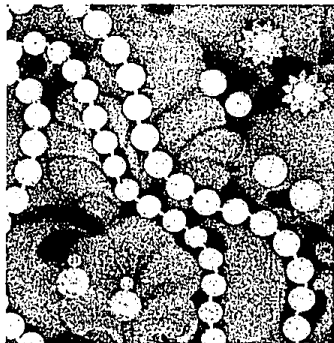
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The telephone service is paid for by the league's education fund. The League of Women Voters is a non-profit organization that works to keep voters interested and informed about governmental issues.

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