

Opinion

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Ah, elections!

Council races were fun despite stupidity at the end

HERE'S TO the losers . . . to those who still believe.

That line from an old Frank Sinatra song always comes to mind as we consider the recent city council elections and some good folks who weren't belling down the bubbly or otherwise whooping it up after all the votes had been counted on the night of Nov. 5 and the morning of Nov. 6.

You're nothing but a bunch of losers, but we'd like you to know that we enjoyed covering you and your campaigns just the same.

With several glaring exceptions (please read on), you conducted yourself with dignity and respect for your opponents and the political process itself.

Yes, some campaigns did get a bit raunchy toward the end. Some silly, stupid things were said over the phone or mailed to voters, but would it be a typical city council election without them?

Take heart, you losers. In many cases, we liked your ideas and the way you presented them. We hope you'll try again. We hope to see your campaign signs along the roads and in the yards before some future election.

IN MANY CASES, we couldn't endorse you, but it had nothing to do with your ideas, really. It was just that your foes were better organized, more experienced, more knowledgeable about the communities and their problems.

That's the way it looks to us at this time, anyway. Of course, we may be proved wrong in time. Sometimes it happens that an election shapes up as a battle between the good guys and the bad guys. Occasionally people run who definitely need to be kept out of public office.

And they usually are kept out, pleased to say,

because of our enlightened electorate.

But in the Farmington and Farmington Hills council races, all the political cowpokes seemed to be wearing white hats, or maybe ones smudged with just a little dirt.

We hope the losers raise some money, develop some people skills and try again. The next election will be here before you know it.

NOW, ABOUT those "glaring exceptions" to the generally clean campaigns:

• Last weekend, someone dropped a few postcards in the mail hinting that a vote for Joanne Smith, former incumbent, would be a vote for low-income housing in the community because of a council vote she'd cast in the late 1970s. We'd like to believe that our voters are far too savvy to fall for this kind of scare tactic.

• And what about that rumor that a Hills incumbent and his family had received phone calls threatening a sexual harassment suit if he didn't support certain candidates? We guess that falls into the "super silly" category.

• As long as we're talking about silly stuff, they held another mock student election in the Farmington public high schools and once again refused to announce the winners until after the real election. The candidates, we were told, were afraid that the parents would be swayed by how their kids voted. And once again Mercy High, the all-girl Catholic school, wasn't included in the mock election. Mercy was still in Farmington Hills the last time we checked.

• There was a man, we were told, calling Farmington-area residents over the weekend, claiming to be conducting a voter survey for the Observer. Yes, of course he was a fraud.

Anyone out there care to own up to this silliness and stupidity? No? We thought not.

Defeat bills

Hold doctors up to scrutiny

SECRECY IS THE handmaiden of suspicion and deceit and the last thing this state needs is another law which casts a doubtful eye on the established order.

But the passage of some misguided, albeit well-intentioned, legislation sponsored by State Sen. Joanne Emmons, R-Big Rapids, would do just that.

At present, the medical establishment is waging one of the largest lobbying campaigns ever to defeat a series of bills which, if passed, would do everything from cap "pain and suffering" jury awards, to scale down attorney's fees in high-award cases to "streamline" discipline procedures for health care professionals.

While capping jury awards gets the most publicity, health care consumers should be just as concerned with the debate over keeping hidden the disciplinary hearings which revolve around health care officials.

IF PASSED into law, Emmons' bills would blur the public's vision in observing how its health care community performs.

State Sen. John Kelly, D-Grosse Pointe, put it best when he charged that sessions conducted under the proposed law would be like "Star Chambers, meeting in secret, dominated by the professionals they're supposed to regulate."

Proponents of the legislation argue that secrecy is justified since lawyers already have legal protection. But that thinking, to say the least, is faulty.

In truth, instead of closing more doors on the public, our state legislators should be fighting to open more doors. Perhaps lawyers' privilege to

this kind of hidden session should somehow be rescinded.

After all, lawyers aren't exactly held in the highest of esteem in the nation. A little more openness on their part would instill more confidence in the general public.

THE LEGISLATION under consideration would close off settlement conferences in the Department of Licensing and Regulation and close records of investigations and review conferences. Only the fact of an allegation would be a public record.

While the final vote will be recorded, the public won't know the allegations, won't know what the investigators found, won't know what the hearing officer found. Another bill would allow boards to change the findings of fact and law of a hearing without new evidence.

Certainly, professional embarrassment is an onus under which no one cares to live. But the public's need to know all the facts behind a physician's performance certainly outweighs the medical community's desire to avoid a few red faces.

For generations physicians have lived as a privileged class in America, receiving the highest of wages, enjoying the best of amenities this country has to offer. Many will tell you they have worked hard in this life-saving profession and have earned the privileges.

But with privilege derived from such critical work comes certain duties and obligations above and beyond those who labor in lesser fields. Standing up to full public scrutiny is one of those duties.

Amendments soothe fears of strong federal government

THE NINTH AND Tenth Amendments were adopted in part to satisfy the Anti-Federalist fears of a strong national government. More than any other constitution provision, they raise the question of the nature of the Federal Union, the centerpiece of constitutional debate preceding the Civil War.

As the young republic wrestled for decades with conflicting sectional interests, the debate produced very different views articulated by two senatorial giants of the era.

Resigning the vice presidency in 1832 to champion the cause of states' rights in the Senate, John C. Calhoun of South Carolina argued that a state retained with its original sovereignty

the authority to overrule federal action it considered unconstitutional.

Calhoun believed in the fundamental guarantee of liberty more than the Union itself, even if it meant secession.

He was answered by the dynamic Daniel Webster of New Hampshire who said the Constitution embodied the sovereignty of the American people as a whole in a transcendent and perpetual union.

Born in the same year (1782), neither Calhoun nor Webster lived to see the resolution of this conflict in the Civil War both hoped to avoid.



the photo

Shot in the arm

A package of 26 bills now in the state Legislature threatens to keep the public scrutiny of the medical community behind closed

doors. For an editorial on the subject, see the lower left hand column on this page.

Changes could reduce malpractice lawsuits

I RAN INTO him at a cocktail party in Birmingham. Well-cut suit, a little bold in the pattern. Hermes tie, that special shade of bright red. Silk shirt — the whole nine yards.

"You must be a lawyer," I said.

"Yep." He stood a little taller.

"What sort?"

"I'm a member of the plaintiff's bar." Taller still.

"Does your wife know what you do for a living?"

Brutal tactics, but necessary.

Plaintiff's bar lawyers — the ones who sue doctors for malpractice or small airplane manufacturers for product defects — are the most visible part of the legal system that Michiganians love to hate.

THE EXTENT of hatred was revealed recently when Bill Ballenger's newsletter, Inside Michigan Politics, ran results of a statewide poll of Michigan voters.

"With 5 percent of the world's population, America just doesn't need 70 percent of the world's lawyers," Total agreed: 73 percent. Total disagreed: 20 percent.

"The high cost of lawsuits is making America less competitive in the world economy," Total agreed: 72 percent. Total disagreed: 20 percent.

"We should change the legal system so that the party that loses a lawsuit has to pay for the legal expenses of the winner of the lawsuit," Total agreed: 50 percent. Total disagreed: 50 percent.

It's this last proposal, made most notably by Vice President Dan Quayle, that makes lawyers like my Birmingham friend foam at the mouth.

IT'S EASY to see why. Under present rules in Michigan, you can go to a lawyer and sue somebody for any purpose, no matter how frivolous, with no real cost to you. You hire the lawyer "on contingency," which in Michigan means you agree to pay him or her one-third of the net sum recovered if you win the suit.

If you lose, you pay nothing. But the guy you sued — the doctor or the airplane manufacturer — has to hire a lawyer to defend himself, and that costs money. Last year nationwide, plaintiffs and defendants paid out \$22 billion in attorneys' fees.

Making the loser pay erects a disincentive against silly or groundless or merely trouble-making lawsuits. Judging from the experience of other countries — most of the rest of the world — adopting the so-called "English rule" would sharply reduce the number of lawsuits.

Which makes members of the plaintiff's bar very, very nervous. After all, they are making a very, very good living off the rest of us. Fewer lawsuits, reduced income, they argue with commendable self-interest.

But what about the poor people whose access to justice would be



Philip Power

"chilled" by a loser-pay rule? Try the German system, where a special panel reviews lawsuits by poor people and waives the rule if the case has merit.

WHY IS ALL this relevant just now? A big package of legislation dealing with "tort reform" — including setting an inverse sliding scale for contingency fees — is under debate in the Legislature.

Some House members are thinking of amending the package by adding the English rule to tort reform. I think it's a great idea.

Will it pass? I doubt it. Here's why.

My Birmingham friend's lobbying group is called the Michigan Trial Lawyers Association. One state representative who is thinking of introducing the loser-pay rule informs me that the trial lawyers have so much money, "they even give contributions to people like me."

Phil Power is chairman of the company that owns this newspaper. His award-winning column will appear periodically.

from our readers

Her opinion on smoking

To the editor:

Re: Senior Smoking at Mercy Center. Many of the seniors who attend this facility told me that they can't write anymore. Therefore, I decided to lodge our complaints with city management and council members.

For the past two years I have attended the Senior Center and enjoyed socializing and having lunch with my friends. Abruptly, one day in October, they had installed new rules about smoking. The designated smoking area was banned under the guise it is being harmful to others.

The alternative "closet space" for smokers, approximately 200 feet down the corridor, is difficult for some persons. Some chairs were stationed in the hall for them to rest.

A thermos with two cups of coffee indicated how few center officials expected to use the area. Once empty, you must call someone or take the long trek to the main part of the center.

No clock to tell the time when lunch numbers will be called. No ventilation except to crank a window and then the cold air makes it too uncomfortable.

Singularly, a person could have a stroke or a heart attack and not be discovered in time to help.

The smoking habit was touted by advertisers and the government during my salad years. Now we are a menace.

Apparently, they believe the change in smoking policy will increase attendance.

The Mercy Center is a viable resource. I endorse all of the activities and feel my share of the tax dollar to be well spent.

Helen Motriak, Farmington Hills

Let's vote on recycling fee

To the editor:

Although I am in favor of recycling, it is my opinion that no fees should be paid until the people vote on the issue.

Is it so difficult for our city council and attorney to admit their error? Many of us are concerned about what other "mandatory" fees might be charged on the future if this one is allowed without a vote.

Odette T. Henige, Farmington Hills

NOW should be mentioned

To the editor:

Thanks for your fine article (Oct. 31) about my NOW sister, Janet Good of Farmington Hills, on her induction into the Michigan Women's Hall of Fame in Lansing.

I was disappointed that Janet's longtime activism in the National Organization for Women was not mentioned. She was one of the early members of Detroit NOW in the late '60s, a board member of Michigan NOW in the early '70s as well as a founding member of Oakland County NOW.

Michigan NOW members are extremely proud that three out of the five contemporary inductees into the Michigan Women's Hall of Fame are NOW members: Janet Good for her efforts to eliminate sexual harassment from the workplace, Jan Bender of Ann Arbor NOW for her work on behalf of battered women, Jo Jacobs of Kalamazoo NOW for her work on sex equity for girls in education.

Marian McCracken, Farmington

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