

Solo practitioner challenges incumbent judges

By TIM RICHARD

STAFF WRITER



It's never been done. No challenger ever has beaten an incumbent state Court of Appeals judge. George F. Killeen wants to be the first.

"I like the idea," said Killeen, 48, a solo practitioner in Flint, running against Judges

Martin Doctoroff and Clifford Taylor. "There are two incumbents and one of me. They have the incumbency, and I have the name identification."

Doctoroff, 59, of Birmingham was appointed in 1987 by Democratic Gov. James Blanchard and won the 1988 election to fill out the term. Last year, the 24-member bench elected him chief judge, a potent administrative post.

Taylor, 49, of East Lansing was appointed last March by Republican Gov. John Engler, his close friend. Taylor previously had lost bids for Congress and attorney general.

"Marty and I had a combined fundraiser in Oakland County and one up here," said Taylor in his Lansing office. "We grossed \$60,000 in Oakland and \$30,000 up here." Taylor said they are close on criminal issues, but they are running separate advertising campaigns.

Doctoroff added, "We have both been evaluated 'preferred and well qualified' for the 2nd District Court of Appeals by the Oakland Citizens League, a division of Civic Searchlight. This is the highest rating the organization gives."

"Money is difficult to raise," said Killeen, "because no incumbent has ever been beaten."

Important, obscure

The state's second highest court handles about 12,000 appeals a year from trial courts and writes 5,000 opinions. It had original jurisdiction when 50 suburban school districts sued the state for categorical aid and Social Security money.

Just a relative handful of cases go up to the state Supreme Court. Yet the 24 appeals judges toll in



Judge Martin Doctoroff



Challenger George Killeen



Judge Clifford Taylor

relative obscurity. Rarely does the public see them; indeed, many cases are handled entirely with written briefs and no oral arguments by attorneys. Seldom do any issues surface at election time.

Irish names do well. In 1988, five of the six winners of new appellate judgeships had Irish names.

The 2nd District rambles across 15 Michigan counties — but let Killeen describe it:

"Oakland has one-third of the available votes. Macomb and Genesee have one-third plus. The others have the remaining one-third, with Ingham having one-third, that, or one-ninth of the total."

Doctoroff is from Oakland County, Taylor from Ingham, Killeen from Genesee.

Killeen has the same name as a former Macomb and Wayne county commissioner. He figures he has name recognition from a 1980 run for Genesee prosecutor and the Macomb name. In college-day jobs, he was a member of the UAW and the Retail & Wholesale Dairy Workers, AFL-CIO.

He has the endorsement of the Michigan Trial Lawyers Association, the hobgoblin of corporations, doctors and Republicans.

A graduate of Mott Community College, Eastern Michigan University and Wayne State's law school, Killeen is the sole occupant of a building behind the courthouse in Flint, where he handles civil contracts, divorces, personal injury and some drunk-driving cases.

Killeen said Taylor and Doctoroff, despite their party difference-

es, are conservatives. In his analysis of 59 cases, Killeen said Doctoroff voted for the defense 51 times. "I'm the least conservative of the three," he said.

Up the ranks

Doctoroff graduated from Harvard in his home town of Cambridge, Mass., came to the University of Michigan law school and spent three years as an FBI agent.

By 1980, he was a senior partner in the firm of Bushnell, Gage, Doctoroff & Reizen. He went through the legal ranks: public administrator in Oakland, special assistant attorney general, special prosecutor for an Oakland grand jury, chairman of the state Attorney Discipline Board, other bar association posts.

"My most exciting case was when I developed a new theory of recovery against the Michigan Department of Transportation," he said. "If I could establish that the state was guilty of maintaining a nuisance, then my client's contributory negligence (by drinking) wouldn't be an issue."

A couple of cases — one decided on appeal in 1977 — brought him fame and funds, just at the time one of his four sons was starting Harvard.

He did heavy-duty defense work for Detroit Edison. Then his practice evolved to divorce cases.

These days, Judge Doctoroff sees himself as a strict constructionist rather than judicial activist. "Our court isn't supposed to write the law. I'm going to come as close as I can to what the community wants."

He's proud of his opinion in a

bitter divorce case between two psychiatrists. He held that the mother could collect damages because the father had used his psychiatric knowledge to brainwash their three minor children against her. Doctoroff's ruling reversed the Wayne circuit judge who had barred the mother from collecting damages.

Budget shock

Doctoroff's court is getting a lot of attention in Lansing over whether to expand it. The Court of Appeals was born in 1963 with nine judges and now has 24.

The Supreme Court administrator says 15 judges should be added by 1994 and argues there's work enough for 80 judges, when Michigan is compared to other states. Conservative legislators and Engler go into budget shock at those numbers.

"The only way you're going to get more (work) is with additional judges," Doctoroff said. "Ten years ago, we had no wrongful discharge, sexual harassment, age discrimination, criminal drug cases, teacher tenure cases. There's a medical malpractice explosion."

"We're a very litigious society."

We are not a 'kinder, gentler nation.' In 1965, each judge wrote three opinions a month. Now each judge writes 14 opinions a month."

Doctoroff would accept a constitutional amendment, proposed by state Senate Republicans and many Democrats, to bar defendants pleading guilty from an automatic right to appeal. Proponents say it would reduce the appeals caseload by 25 percent.

Taylor supports such a constitutional amendment but said, "We are going to have to add judges." He'd like to look at mediation and arbitration, as the federal appeals court has done.

Challenger Killeen said the amendment idea is "real likeable in the abstract, but lawyers would be reluctant to let go of anything that might be useful."

Top trial lawyer

Raised in Flint, Taylor went to U-M and then to Georgetown's law school and spent three years in the Navy.

After a 1971-72 stint as an assistant county prosecutor, he spent 20 years with the firm of Denfield, Timmer & Taylor in general practice — personal injury defense, criminal defense, some plaintiffs' work, divorce, oil and gas. Professionals rank him as one of the best trial lawyers in the state.

His biggest case involved "splintered interests" in oil wells that had been drilled in the 1920s-30s and plugged. As people died, their ownership rights became splintered. A 1982 Michigan law said owners had to drill, register or lose their interests. Taylor represented oil drilling companies.

"The question in our case was, was this an unconstitutional 'taking' by a mere lapse of time? We won," Taylor said. The U.S. Su-

preme Court upheld Indiana's, and Michigan's laws. Taylor was involved in the written briefs though not the oral arguments.

Taylor has served on the State Board of Law Examiners (they create and grade the law exam), on a screening panel for federal judicial appointments, and on the Commission on Courts in the 21st Century.

Like Doctoroff, he's a strict constructionist, saying an appeals court isn't a legislature and should keep an eye on the plain meaning of words.

On the bench, Taylor is proud of his dissent in a "blue ban-dit" case where the majority reversed a conviction of a man charged in 18 armed robberies. Taylor backed the prosecutors, arguing for admitting testimony about "signature crimes" involving "a common scheme or similar acts." Another appellate panel finally upheld his view.

His church, Boy Scouts and politics are his other interests; His wife, Lucille, is Engler's legal counsel.

Good judge?

The three candidates have one thing in common — their notion of how an ideal judge should act: Taylor. "When he heard cases, he operated on the assumption this is the most important day in the lives of the litigants. And it is."

Doctoroff: "It's a judge's responsibility to be courteous. I try to be kind, to inject humor so people can calm down."

Killeen: "A practitioner who hears out both sides completely and as objectively as possible. Some interrupt one side. We don't need Rhodes scholars and issues on that bench. The last needs deliberation more than brilliance."

OU series targets sexual harassment

Oakland University is offering films and lectures, including a talk by Bernice Sandler of the Center for Women Policy Studies, in designating Oct. 26-30 as "Sexual Harassment Prevention Week."

The public is invited to the free series to be held each weekday at noon in the Oakland Center. For additional information call 313-

370-2020. The program schedule is listed below:

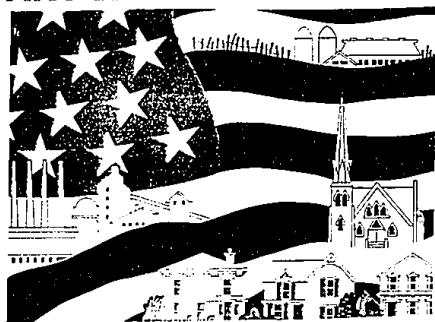
Oct. 26, noon, Gold Room, OC — "Women in Advertising" looks at the way women and sex are used to sell products. The film "Killing Me Softly" will be shown.

Oct. 27, noon, Fireside Lounge, OC — "Attitudes Toward Women

Leaders" featuring a panel discussion in which women discuss the environments in which they work.

Oct. 28, noon, Fireside Lounge, OC — Mildred Smith of the Civil Rights Department leads a discussion and videotape presentation about six women who were the subjects of sexual harassment.

OUR TOWN ART EXHIBITION & SALE



Thursday-Sunday, October 22-25
AT THE COMMUNITY HOUSE

380 S. Bates, Birmingham • 644-5832

Show Hours 10:00 A.M. - 5:00 P.M. • Free General Admission

sponsored by:



- Professional Women's Breakfast Thursday, October 22, 7:30 a.m.
- Luncheon With Linda Solomon, Thursday, October 22, Noon
- Art and Jazz III Friday, October 23, 6:30 to 9:30 p.m.
- Children's Workshops Saturday, October 24
- Artists' Reception and Awards Ceremony Sunday, October 25, 4:30 p.m.

The Our Town Art Exhibition and Sale features 356 pieces of art from 250 Michigan artists and is a benefit for The Community House in Birmingham. Nationally recognized artist Glen Michaels is the juror, of this year's show.

Garden Cafe

Friday & Saturday - Lunch 11:30 a.m. - 2:00 p.m.
Tea served 3:00 - 4:30 p.m.
Sunday - Lunch 11:30 a.m. - 2:00 p.m.
Cafe Closed Thursday

Display for artwork generously donated by Contract Interiors/Carson.

THE Special Events co-sponsored by:

HOME TOWN

Observer & Eccentric
NEWSPAPERS

EXPRESSIONS

LOOKS And SMARTS

SAVE 25% On Your First Upholstered Piece
SAVE 30% On Your Second Upholstered Piece
SAVE 35% On Your Third Upholstered Piece
(And save 35% on each additional piece!)

The More You Buy,
The More You Save

150 Frame Styles
Over 700 Fabrics
Delivery in 45 Days
First piece purchased must be of greater value. Each successive piece must be of lesser or equal value than preceding item. Savings off suggested retail.



880 S. Woodward • Birmingham • 647-8882

