

CANDIDATES FOR THE 6TH CIRCUIT COURT



Thirteen candidates are running for a newly created judgeship in the Sixth Circuit Court in Oakland County. What follows is biographical information and questions asked of the candidates.

Tell us about your practice (for lawyers) or how you conduct your courtroom (for existing judge).

Who was the best judge you ever practiced in front of and why? What qualities do you admire in a

Do you consider yourself a "strict constructionist" or a "judicial activist"?

Why should you be elected over your opponents?



Thomas Tom Brennan, Age 48
 Co-Executive Partner in the firm of Brennan & Mearns
 Barristers, James Earl University, Bachelor of Arts in 1970, Detroit College of Law, J.D. Cum Laude in 1974.
 Attorneys: 100, have an assistant three years, serves association scholarship award, U.S. Army, captain, member of legal associations and State Bar, chaired the Young Lawyers Section of the Macomb County Bar, Uica Rotary Club director, president and director, Sterling Heights Area Chamber of Commerce, Knights of Columbus officer.

Practice includes family, criminal, estate planning and probate.

George Danewitz, chief judge in Macomb County, is a scholar who knows his law. A judge should be a hard worker, someone who sits down and does his work. He needs to know how to treat people, giving them their day in court because one of them is going to be a loser. But if that person is treated with courtesy, they know they've had a good experience.

Strict constructionist. A judge doesn't function to make laws. The legislature makes laws. If you change the facts, you change the law.

I want to make myself available, and want to do the job and I'm willing to do the job. It's an honor, but it's a job. I have been in practice for 20 years and I have 20 years to serve. So I can sit down and learn how to do it.



Michael S. Clenden, Age 35
 Co-Executive Partner in the firm of Hardy, Lewis, Potard & Page
 Barristers, Bachelor of Science, 1965, J.D. University of Toledo, 1967.
 Attorneys: City of Hope co-chairman, Steeped Oak Foundation director, Open Spaces Association, Thelma Board member, former Phi Beta Kappa Award recipient, American Bar Association member.

General practitioner with experience in business law, contract disputes, personal injury, construction law, collection work, domestic relations and employment discrimination.

(Oakland County Circuit Judge) Hilda Gage. She is a very intelligent woman. She is always prepared. She treats every plaintiff and defendant fairly and objectively. (Oakland County Circuit Judge) Barry Howard. He is on the bench at 11:15 in the morning before most attorneys are even in court. (On quietest) Objectivity is one. Dominant. Being prepared is very important today, particularly with the number of cases going through the system.

I think I'm somewhere in between. There are some cases where I tend to be a little more liberal if the situation warrants it.

I feel very strongly that I might be able to make a positive contribution to case control. I believe I would do a good job.



Marjorie Beth Cohen, Age 42
 Co-Executive Partner in firm of Magill, Pomeroy and Cohen
 Barristers, Bachelor of Science in 1972 at University of Michigan, J.D. in 1976 in the University of Michigan Law School.
 Activities: Past president Michigan Trial Lawyers Association, board member of Michigan House Domestic Violence Shelter, organized and moderated People's Law School, advisory board member for Maurice and Jane Sugar Law Center for Economic and Social Justice, trustee of Sugar Foundation, past president of the National Lawyers Guild, member of Women Lawyers Association of Michigan, have taught many seminars.

Practice involves personal injury, domestic violence and sexual assault, family law, criminal.

Judges I admire are those who are willing to do the work and not just justice. Judges should be prepared, hard working, who treat everyone with courtesy and respect, who read the motions, read the briefs. Unfortunately, that is a rare quality.

I don't consider myself either one or the other. As a judge you're bound to follow the law. The law is a living, breathing set of principles and ideas.

I've grown throughout the years. I've been in practice. I feel there needed to be choices for the voters, more women and minorities. I've made it my focus to represent victims and the powerless people of society so that everyone who goes before the court will have a fair day in court. I have the qualities that will make a good judge: integrity, intelligence and a keen sense of fairness.



Constance E. Curran, Age 50
 Co-Executive Partner in the firm of Curran & Curran
 Barristers, Bachelor of Science, Wayne State University 1969, J.D. Detroit College of Law 1975.
 Activities: House books "The Hidden Dangers of the Nursery" and "A Planned Decision" outlining the new Age Movement, Host "Law Talk" radio show on WMAZ, FBI former treasurer of the National Association of Women Lawyers, former member of the board of directors of the Michigan Council Foundation, involved in pro-life movement and researching "black camps" in the U.S.

General practitioner with a special interest in constitutional issues.

I really appreciate (Wayne County Circuit Court) Judge John Haysner. (Michigan Supreme Court Judge) Dorothy E. Hays. I always admired very highly. (Wayne County Circuit Court Judge) Hilda Gage has shown tremendous skill and courage. (A good judge is) somebody who will follow the law, the Constitution and their conscience as opposed to playing to the press.

I will follow the law if the law stands on constitutional grounds. I'm not going to legislate judicially.

I've had a wide, wide experience with people, having been on the lecture circuit and having been sought out. I'm able to do concentrated research and about research matter.



Sylvia Kauffman Dean, Age 49
 Co-Executive Partner in the firm of Dean & Dean
 Barristers, Bachelor of Science in 1969, Wayne State University, J.D. in February 1973.
 Activities: Member of various bar organizations, who is Who of American Women, who is Who in the World, who is Who in Law, has written three novels, a book of poetry and several short stories.

Practice includes family law, small criminal matters, wills, trusts, changing in zoning, corporate case law.

Ed Spence - temporarily, establish the prior to be quickly, keeps the eye in focus in custody cases and that's something most judges overlook. He has a sense of humor that is appropriate. Judges should have an open mind with the ability to decipher issues and apply the law. They're there to serve the public. They should have empathy and make the system work in a friendly manner.

Strict constructionist. It is not up to the judge to make the laws. It is up to the judge to uphold the laws. Ideology and ideology should be left outside the courtroom.

I have a specialty in an area which covers 50 percent of the court's docket. Furthermore, I have had a general practice wherein I've had experience in almost all areas in the jurisdiction of the court. (I) go to include establishing a good record for those leaving prison and having periodic seminars for judges on legal issues.



Daniel C. Devine, Age 50
 Co-Executive Partner in the firm of Devine & Devine
 Barristers, Bachelor of Science, Wayne State University 1969, J.D. Detroit College of Law 1981.
 Activities: State, County and American Bar associations and respective committees, faculty member of Child Advocacy and Family Service Project of Oakland County, Institute of Continuing Legal Education, Michigan Trial Lawyers Association, Family Law Section seminar, matrimonial arbitrator, Oakland County mediator/arbitrator, veteran in U.S. Naval Reserve, life member, Disabled American Veterans, also belongs to Holy Name parish in Farmington, coached Little League for six years, was Joyce's Curran's husband for two years and president of the Bloomfield Lions Club from 1969-71.

Predominantly practices family law, divorce and child custody, and environmental law. Former prosecutor and briefly served as judge in Recorder's and Sixth Circuit Courts.

Best judge I ever practiced in front of was Judge Clark J. Adams because of his balance, integrity, temperament and knowledge of the law. Others are James Ryan in Detroit in federal appeals court for the same reasons, and Hilda Gage shows no partiality.

I like the former. I believe in law and order and enforcing the law as it is. The appellate court and the Legislature changes the law.

Experience as prosecutor, judge, arbitrator and mediator, president of bar association, work 12-hour days and will be on time. I have been a Farmington resident since 1963, now living in Beverly Hills.



Robert W. Eastery, Age 40
 Co-Executive Partner in the firm of Eastery & Eastery
 Barristers, Bachelor of Science in 1976, Wayne State University, J.D. in 1978, University of Michigan Law School.
 Activities: Various sports before law school, earned a Law at MGU, awards for Most Court Comparison and graduated in top third of law class.

Trial attorney in circuit and district courts throughout the country area in areas of general civil, negligence and criminal matters, with an emphasis on personal injury, domestic relations, business matters and bankruptcy cases.

The courts is to serve the public and not vice-versa. A judge must give the litigants the dignity and respect that is due to all of his or her cases. (Judges) should have an open mind with the ability to decipher issues and apply the law. They're there to serve the public. They should have empathy and make the system work in a friendly manner.

Judge's role is to interpret the law not to legislate. Each set of facts are different. It has to fit within the parameters of the legislative mandate, as long as it is constitutional.

I'm at a time in my life when I'd like to look to a higher level of service to the community. I see important the function of justice to individuals in our society and I want to contribute to make the courts a better place to live.



Alice Gilbert Smith, Age 62
 Co-Executive Partner in the firm of Smith & Smith
 Barristers, Bachelor of Science in 1962, Wayne State University, J.D. in 1970, Post Graduate Harvard University of Michigan, Wayne State University, University of Detroit School of Law, University of Nevada.
 Activities: Numerous positions of leadership and judicial involvement in her chosen field, various community involvement activities, including United Way, Greater Detroit Area Health Council, Girl Scouts, Soroptimists, League of Women Voters, Oakland County Volunteer Bureau, International Film Festival, teaching sessions related to judicial field. Has received a number of honors.

Drug cases most recently, previously in circuit court docket.

On so many things advice in a judge. It is not enough for justice to be done, but to be able to appear to be done, as well as to have the right decision. Judge has to be interested in what is said and to hear it, absorbing what is said. Believe should be in the courtroom, his dignity and style and his thorough and effective presentation.

In criminal matters I read the statutes very strictly. Civil law lets more opportunities for constructive justice. The whole power of jurisdiction comes from what the people say. When it's a civil case, you have to ask what is the legislative intent.

I have the best educational background, and I have done the job. I'm running on my record. My time away from the bench has added to my perspective. I'm always in the process of becoming and learning. I've dedicated my life to service.



Paul Hyman Smith, Age 47
 Co-Executive Partner in the firm of Hyman, Kruze, Weston and Alan P. Smith
 Barristers, Bachelor of Science in 1968, Wayne State University, J.D. in 1978, University of Detroit School of Law, J.D. cum laude in 1978.
 Activities: National Jewish Honor Society at U of L Law School, formerly research attorney for Michigan Court of Appeals, circuit court mediator, mercantile finance committee, St. Mary of the Hills in Rochester Hills, Catholic Services Appeal co-chair, member, steering committee for Holy Family Regional School.

Environmental litigation for past five or six years representing companies throughout the state. First five years of practice cases for negligent and felony cases.

Hilda Gage. She is punctual, hardworking, on time and fair. And she has a good temperament. Also John O'Connell, chief judge in Eastern Michigan Federal Court. You won't find a better demeanor.

I believe the role of the court is to apply the law as enacted by the Legislature and as interpreted by the courts above the circuit court.

I have 19 years of experience as a trial lawyer and I've been reasonably successful. I did with law school (number 6 out of 123 in class of 1974), and I have a good temperament. There were 537 cases not brought to trial within 180 days and were therefore dismissed. It seems that as computerized as the circuit court is, there ought to be a way of punching a button to find out what the status of those cases are.



Bryan H. Lavy, Age 44
 Co-Executive Partner in the firm of Lavy & Lavy
 Barristers, Bachelor of Science in 1967, Wayne State University, J.D. in 1972, University of Detroit School of Law.
 Activities: Member of the Oakland County Bar Association. Vice president of the Southern Bar Association. Co-authored a court rule regarding garnishments. Set up impact panel for victims of drunk drivers. Member of the Cystic Fibrosis Foundation.

I evaluate a case and make a decision quickly. There is a title I have taken under advisement in the last seven years. (I attorney) disagree, there is an appellate process. After a case is over, I sometimes call the parties in and tell them "there is how you could have tried the case." I'm particularly interested in the rules of evidence and cross examination.

(former Wayne County Circuit Judge) Connela Kennedy. I've never seen a legal mind as astute, as articulate, as decisive. And (former Wayne County Circuit Judge) John O'Hare. He commands the courtroom was magnificent for a very quiet, quiet man. The most important quality is the ability to legally reason. To take a set of facts, apply the law to that set of facts and do it now.

Strict constructionist without question. It is not mine to rewrite the law the way I would have written it. I don't trust myself to do it. It is essential that judges be predictable.

What the circuit court needs is judicial experience. I have that experience. I have that training. I have that knowledge. I have that work ethic to get it done. I will be there at a quarter to eight in the morning.



John J. O'Brien, Age 64
 Co-Executive Partner in the firm of O'Brien & O'Brien
 Barristers, Bachelor of Science in 1962, Wayne State University, J.D. in 1966, Wayne State University Law School, graduate studies 1967-68, national judicial colleges in 1977 and 1980.
 Activities: former director or on the advisory board of Clinton Valley Center, Farmington Center, Citizens Commission for Permanent Planning of Oakland, Association for Children and Adults with Learning Disabilities, Royal Oak Boys and Girls Club, Big Brothers - Big Sisters.

Currently working as an attorney with civil practice, involving wills, probate, estate planning and real estate.

An ideal judge is Fred Medler. A judge should be fair and even-handed, so that men or boys (the parties) have a sense they've been listened to. Clark Adams is a judge's judge with the keenest knowledge of the law and even temperament. He's a case developer.

I tend to be conservative. It is not proper to become involved in activism. There's too much of that, particularly in the U.S. Supreme Court.

O'Brien's law license was suspended and he served a brief time in a half-way house in the Case Corridor for filing false credit card and loan operations. In a statement to the press, he admitted the share of responsibility. He also disputed some of the charges and the way the case was handled. O'Brien said he is running now because he is best qualified in education, has had experience as a sitting judge and because he has the temperament and commitment needed.



Marcus C. Rose, Age 44
 Co-Executive Partner in the firm of Rose & Rose
 Barristers, Bachelor of Science from Wayne State University in 1972, J.S. from Detroit College of Law in 1983.
 Activities: Various legal and bar group memberships, Settlement Center, Law Day Committee, appeared on WLLM talk show "Ask the Lawyer."

Private practice consists of criminal, tort, contractual and corporate formation.

Judges should deliver justice in an expedient and fair way that's accessible to the public. The law must be applied in a diligent, fair manner. The court is a public servant. A judge must be timely, listen to the facts and apply the law.

I'd have to see what the case is before saying. You make a decision based on the law. I'd like it on a case by case basis. It's inappropriate to decide what I'd do in the future.

I have the experience. I can be fair and make the courtroom accessible. I would make a great public servant. I want into the law to help people.



Joseph Schuman, Age 64
 Co-Executive Partner in the firm of Schuman & Schuman
 Barristers, Bachelor of Science from Wayne State University in 1949, J.D. from Detroit College of Law in 1953.
 Activities: Member of the Oakland County Bar Association, served as investigator for the state bar's grievance commission. Served on the circuit court committee of Oakland and Detroit bar associations. Served as regional coordinator of the general practice section of the American Bar Association.

General practitioner. Has handled more than 8,000 cases in a 41-year career.

I don't know. There are good judges. There are good judges at times. I admire them all, but there's a system that isn't working.

I've debated that many times. I think both, depending on the situation. At it depends on what theory and legislative history exists.

Having been on the other side of the bench, I have a feel of the people and how they react. I have ideas on how to avoid a great deal of time and expense in the system.