

# Bar group explains criteria for rating candidates

BY JENNIFER PLACINTO  
STAFF WRITER

The ratings are in for the best and worst candidates for judicial positions in Oakland County, according to the Public Advisory Committee on Judicial Candidates of the Oakland County Bar Association.

The committee released its results for the 1996 candidates for district courts, circuit courts and Court of Appeals, and while some incumbents rated "outstanding" others rated "qualified."

Committee co-chair Barbara

Klarman said the evaluation process was even more thorough this year than in years past.

"This year we have improved the process," Klarman said. "We have done more extensive investigation in all areas."

Those areas include: legal ability, experience, reputation and conduct, demeanor and temperament, physical and mental health, manner in which candidate conducts campaign and other factors relevant to the office the candidate is seeking.

The candidates were rated from the highest mark of "out-

standing" to the lowest rating of "not recommended." Less than outstanding, in order of rating, was "well qualified, qualified, qualified but not recommended, not recommended — insufficient experience and not recommended." A seventh category of "not recommended due to lack of information" did not apply to any of the candidates.

"The purpose is to inform the public as to the qualifications of the candidates," Klarman said, adding that voters often have little information on the judicial candidates. "We feel the Bar

Association is responsible to give the public some information as to each candidate."

Co-chaired by Klarman and William VanderKloot, the committee is composed of more than 50 attorneys and lay persons appointed by the president of the Oakland County Bar Association. The committee is sponsored by, but independent of the Bar Association.

"We had lay persons specifically so it doesn't look like it's stacked by attorneys," Klarman said.

The candidates were asked to complete a 20-page question-

naire based on the questionnaire provided to candidates for judicial appointments by the governor. Thorough background investigations were conducted and persons who know the candidates were contacted. Each candidate was interviewed by some 18-20 committee members whose questions focused on the negative points uncovered, giving the candidate a chance to rebut the claims.

"Our obligation is to confront the candidate with every bit of negative (information) we have so they have a chance to

respond," Klarman said.

"We really wanted some information about where this person has been throughout their entire professional life," she added.

After the questionnaires and background checks were reviewed and the interviews completed, the committee voted on the candidates.

The ratings are limited to the candidate's suitability for the time of this evaluation. It does not take into account the candidate's suitability for this or any other office at any other time.

## Hopefuls in court races react to their rankings

BY JENNIFER PLACINTO  
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The Public Advisory Committee on Judicial Candidates recently rated the following Oakland County judicial candidates. A sampling of the candidates were contacted for response to the ratings they received.

### 45B DISTRICT COURT

Marvin Frankel (Incumbent) - Outstanding

Benjamin J. Friedman (Incumbent) - Outstanding

Gil Whitney McRipley - Not recommended

McRipley could not be reached for comment.

### 46TH DISTRICT COURT

Thomas Brookover (Incumbent) - Qualified

Diane D'Agostini - Qualified

Kimberly Small - Qualified

Robert Zawideh - Not recommended, insufficient experience

Brookover said he was disappointed in the rating of "qualified," however, the incumbent judge said, "I don't think it'll have any effect on my campaign."

Brookover cited his endorsements from many attorneys who have worked in his courtroom and many former presidents of the Oakland County Bar Association.

"I think the voters have to look at the experience and support the candidates have," Brookover said. "I'm very happy to have the endorsements of former presidents of the Bar Association."

"Truthfully, I'm shocked by their... lack of recommendation," Zawideh said.

The private practice attorney said he's argued several different

types of civil and criminal cases at all trial court levels in the state and he believes the committee "dropped the ball" when they gave him an "insufficient experience" rating.

However, Zawideh said he doesn't think the rating will affect his campaign, especially since many of the communities mailed out absentee ballots prior to the ratings release.

"I've been in the community all my life," Zawideh said. "My family has been in business here for almost 40 years. It's through that relationship that people have developed a real trust (in) my family and myself."

### 52-2 DISTRICT COURT

Dana Fortinberry - Qualified, but not recommended

Gerald McNally (Incumbent) - Outstanding

Judge McNally received a rating of outstanding and believes it will serve as the most significant endorsement he has received for office.

"It's going to be a big plus for me," McNally said. "I'm delighted to have it."

McNally feels the judgment by his peers is most noteworthy since those individuals deal with all people involved in the law enforcement system.

Fortinberry said she was not surprised with the results, since she was rated by lawyers and lawyers must appear before judges such as her opponent.

"I'm very disappointed in the results," Fortinberry said. "I don't think the results accurately reflect my ability to do the job. It's not a very fair process."

The candidate said she believes she also has offended some lawyers with her proposed policy for change in the legal system.

"I'm running as the candidate who will hold people accountable for their actions," Fortinberry said. "They prefer my opponent because he's very easy on crime."

### 52-3 DISTRICT COURT

Lisa Asadoorian - Qualified

Paul Bailey - Outstanding

Steven Drakos - Not recommended, insufficient experience

Paul Hynes - Outstanding

Robert Justin - Qualified

Michael Kilpatrick - Qualified

Stephen Kirksey - Well qualified

Richard Meier - Qualified

John Murphy - Outstanding

Julie Nicholson - Qualified

Colleen O'Brien - Well qualified

Jeffrey Quas - Well qualified

William Staugaard - Qualified, but not recommended

"I think they were looking at my age and making assumptions based on my age," Drakos said. The 34-year-old said he doesn't understand how he could be rated as having "insufficient experience" when the Oakland County Bar Association last month awarded him with the Francis R. Avadenka Award.

Drakos believes the rating will affect his campaign.

"The voters can see through the politics," Drakos said.

"We were shocked and extremely disappointed," Staugaard said. "We do not believe that rating was warranted."

Staugaard said he was also interviewed by the Oakland County Republican Committee and given the highest rating of "well qualified."

He doesn't believe the Advisory Committee rating will affect his campaign.

"The individuals who know me know of my 22 years of experience, know of my abilities, and know of my involvement in the community," Staugaard said.

Hynes was one of three judicial candidates who received an outstanding rating and believes it will help his campaign if the public understands the thorough process of the Public Advisory Committee on Judicial Candidates.

"I think the rating is worth something," Hynes said, adding that he is not a member of the Oakland County Bar Association. "It's done by a panel of both lawyers and non-lawyers. They conducted a very thorough investigation."

"It's not just a rating by the good old boys," Hynes said. "I think if the voters understand

the process... then I think they would think it's important."

### 52-4 DISTRICT COURT

William Bolle (Incumbent) - Outstanding

Glenn McCandless - Not recommended, insufficient experience

Bolle said he thought the evaluation process was thorough and fair and believes the rating will help his campaign.

"It certainly won't hurt," Bolle said.

McCandless said he didn't think the review process was fair or accurate and felt the rating was already decided before he was interviewed.

"I wish I didn't participate," McCandless said. "I didn't expect a well qualified rating but I expected a qualified rating."

The challenger doesn't feel the rating will affect his campaign though.

"I think the voters will be more fair than the lawyers," McCandless said. "I just feel that honesty and integrity qualities are most important."

### COURT OF APPEALS - SECOND DISTRICT

Mark Cavanagh (Incumbent) - Qualified

Mary Chrzanowski - Not recommended

Cavanagh was pleased with the rating of "qualified" since he did not complete the questionnaire nor did he attend the interview. Instead, Cavanagh sent copies of his legal opinions with a letter stating his objection to the questionnaire which he felt was inappropriate for a sitting judge.

"I found the questions to be offensive," Cavanagh said.

"They have bylaws they have to follow," Cavanagh added in regard to the rating system. "I'm just hoping the next time they issue a questionnaire that they revise it."

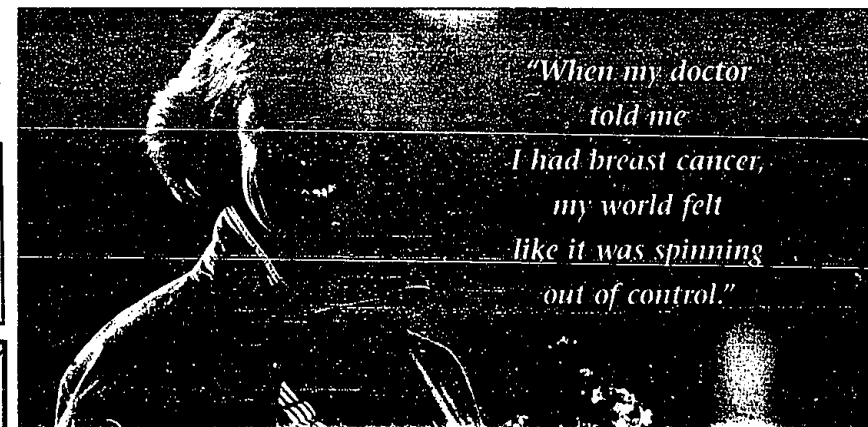
The incumbent said he believed it would have more appropriate to have a questionnaire for incumbents and another for challengers.

Cavanagh said he did not attend the interview because he felt he would be questioned about his lack of response to the questionnaire.

The judge was not concerned the rating would have an effect on his campaign.

"I think my public record speaks for itself," he said.

See RANKINGS, A8



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