Bar group's rankings turn into key issue in county's lone judicial primary

After deciding one of three candidates for an open seat on the Oakland Circuit Court was lacking in experience, a committee that evaluates and ranks judicial hopefuls may itself be under review.

"Our system of evaluating and ranking judicial candidates is a public service," Kelly Allen, president of the Oakland County Bar, said. "I've had some comments from a few people about the rankings, but I don't necessarily consider them to be complaints."

Thus, said Allen, looking at the system of evaluating judicial candidates is matter of fine tuning, not a reaction to the rankings released earlier this month by the Public Advisory Committee on Judicial Candidates.

That committee — which is sanctioned by the Oakland Bar, but operates independently — spent weeks evaluating Steven Kaplan, Richard Kuhn Jr. and Colleen O'Brien who are vying to succeed retiring Judge Robert Anderson.

All three are on the Aug. 4 primary ballot. The two top vote-getters will run against each other in the Nov. 3 general election.

The committee ranked Kaplan and O'Brien as "outstanding." But it ranked Kuhn as "not recommended — insufficient experience."

Each of the candidates has a list of endorsements. Kuhn, however, is endorsed by two of the area's most prominent lawyers — L. Brooks Patterson, who was Oakland prosecutor before becoming county executive, and David Gorcyca, the current county prosecutor.

Patterson and Gorcyca were not particularly upset over the ranking. But they attributed Kuhn's unflattering ranking to flaws within the committee — not any weakness on the part of the candidate they endorsed.

"The committee might have done its best," said Patterson. "But its members obviously undervalued Rich's considerable experience. And it clearly didn't recognize Rich's work ethic and integrity."

Gorcyca said letting a committee — rather than the entire bar — rank judicial candidates was a flawed system.

Kuhn himself said he was disappointed with the rankings. He said he had some misgivings about submitting to the committee, in part because some of his campaign advisors said he "might not get a fair shake.

"In my opinion, the committee was very provincial and narrow-minded," Kuhn said. "It operated in secret and was accountable to nobody."

When asked about the committee's rankings, Kaplan and O'Brien each said the evaluation was exhaustive and objective.

Perhaps the most vocal critic was Oakland Circuit Judge Steven Andrews, one of several acting or retired judges who have endorsed Kuhn.

"Unfortunately the committee took the position that his (Kuhn's) four years as a research attorney (for Circuit Judge Rudy J. Nichols) shouldn't be counted as judicial experience. That's nonsense," he said.

Andrews said he has voiced his criticism to Kelly as well as other county bar officials, although with a suggestion that the system be changed.

Allen acknowledged the complaint from Andrews. But she also defended the system under which candidates are evaluated and ranked.

Speaking highly of the committee, its process and rankings is Rochester Hills Mayor Kenneth Snell, one of about 10 nonlawyers who make up the committee along with about 40 attorneys.

"It's a pretty good system," said Snell, a chemist by training. "We spent weeks double checking information submitted by the *candidates and verifying everything we could.*"

Ironically, Allen works in the same law firm as Kuhn, the Adkison Neeb law firm in Bloomfield Hills.

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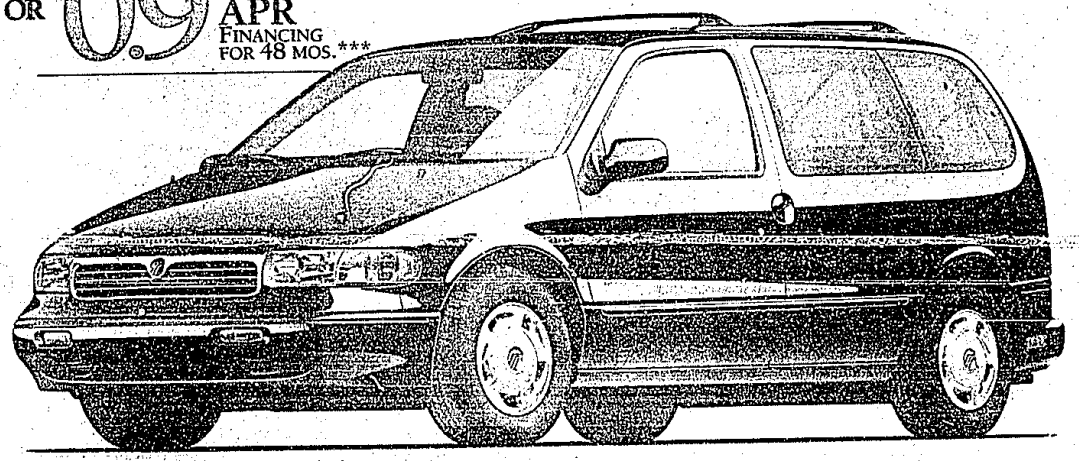

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