

# 15 seek 2 new seats on appeals court bench



Britten Cavanagh

**OAKLAND COUNTY**—Fifteen candidates are seeking two new seats on the Michigan Court of Appeals, second division. The second division of the court covers 14 counties including Oakland.

Each candidate was asked for a biography, a personal financial statement for the past three years and a statement on the release of primary campaign financing.

Those seeking nomination were also requested to complete a four-item questionnaire which asked:

- (1) What do you consider the three major issues facing the Michigan Court of Appeals?
- (2) What is your reaction to the Michigan Supreme Court's proposed Code of Judicial Conduct? What are its strengths, weaknesses?
- (3) What do you consider to be the most serious judicial ethics problem and how might it be solved?
- (4) Would you favor appointing all state court judges? Why or why not?

**GORDON W. BRITTEN**, 49, of Grass Lake, is married and the father of three children. He is a graduate of the University of Detroit Law School and currently serving a 10-year term as a judge on the Jackson County Circuit Court.

Britten's notarized financial statement shows total assets of \$111,550 and total liabilities of \$15,900. The assets include real estate—a residence, vacation home, vacant lot in Grass Lake—and personal property of furniture, jewelry, retirement funds, insurance contracts, treasury notes, savings and checking accounts.

Among his liabilities Britten noted real estate mortgages, installment loans and taxes.

The candidate's adjusted gross income for 1971 was \$33,275, 1972 was \$35,152 and in 1973 was \$37,292.

In answer to the query into his campaign funds, Britten said, "My income and expense disclosures are available anytime but to the sophisticated candidate that means nothing because he makes no accounting of what various groups and committees spend on his behalf."

"I can't be answered because the court can be bypassed by the State Supreme Court."

"It insures the perpetuation of incumbents and the election in the future of those who are independently wealthy. Weaker than the ABA (American Bar Association) standard is a justice who runs for a federal political office without resigning as a justice until after his nomination."

"Partisan politicking of the judges of the Supreme Court. Appoint the judges."

"Yes. Missouri plan has worked."

**MICHAEL F. CAVANAGH**, 33, of Lansing, is married and the father of three children. A graduate of the University of Detroit Law School, Cavanagh is currently an Ingham County District Court judge.

Cavanagh said that his 1971 to 1973 federal income tax returns will be forwarded soon. No comment was received regarding his campaign finances.

1. "Accessibility."
2. "No comment."
3. "Conflict of interest—full disclosure of all outside income to the Michigan Supreme Court."

"...a giant step in the right direction. Recognizing the inherent disparity in allowing practicing lawyers to financially contribute to the campaign of judges..."

"...favor of an appointive system of judicial selection."

"...Need of a candidate for justice to be open for that office and subjecting himself to the partisan consideration which a campaign entails is inherently inconsistent with judicial ethics."

"...favor of an appointive system of judicial selection for all of the reasons outlined more likely to produce a greater number of qualified judges."



Churchill

**JAMES P. CHURCHILL**, 50, of Vassar, is married and the father of three children. A graduate of the Michigan Law School, Churchill is a circuit court judge for Ingham and Tuscola counties.

"I plan to make a full personal financial disclosure before the primary. It is not prepared and when it is released to all newspapers at the same time, Churchill said. As of Tuesday no reports were received.

"Pre-disclosure of campaign contributions is a good idea but almost impossible to accomplish unless here a cut off date on contributions." Churchill said.

"The Court of Appeals is a good court. It faces issues on a case by case basis. The real issue in this campaign is experience... I have sat on the Court of Appeals in every district in Michigan... a trial judge in my own circuit and in Wayne, Oakland, Livingston, Shiawassee, Saginaw, Bay, St. Clair counties... in the Recorder's Court."

"The proposed judicial code is ambiguous. The only answer to the finance problem is to limit the amount of money that a candidate can spend."

"Some judges... seek publicity in the manner in which they handle cases. To avoid the appearance of this most of us don't give out enough information about our decisions. Much of the complaint about courts is based on a lack of understanding of the reasons for decisions."

"Appointments—this probably is necessary and I do favor it providing the public can satisfy removing judges by the election process."

**JAMES CLARKSON**, 49, of Southfield, is married and the father of four children. A graduate of the Detroit College of Law, Clarkson is a 16th District Court judge.

"I am fully willing to disclose my personal financial statement for the past three years... to the Michigan Supreme Court or the Judicial Tenure Commission."

"As to making campaign contributions public before the primary, I have never in the past nor in the future held back," Clarkson said.

"I am in favor of the district court level operations... court reorganization into two divisions—appellate and trial—as recommended by the American Bar Association and judges chosen accordingly by the board of commissioners coupled with constitutional qualifications as to age, training and experience."

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"No, this country's greatness as a democracy is a result of the crash of three branches of government. Each branch is equal in power and directly responsible to the people at the ballot box."



Cynar

**WALTER P. CYNAR**, 55, of Warren, is married and the father of four children. A graduate of the University of Detroit Law School, Cynar is a Macomb County Circuit Court judge.

Cynar presented no financial statement or comment on his campaign funding.

"The excessive number of appeals in criminal matters which are made with court-appointed attorneys."

"...favorable. The code's adoption is essential and review of the code periodically should be required."

"No opinion."

"I am opposed to appointing all state court judges except interim appointments... The voters should not give up their right to vote on judicial candidates."

**JAMES T. KALLMAN**, 46, of Okemos, is married and the father of five children. A graduate of Wayne State University Law School, Kallman is an Ingham County Circuit Court judge.

Kallman's statement of campaign contributions, as of July 15, shows total deposits of \$948 and expenditures of \$144.20. The 47 campaign donations received range from \$1 to \$100.

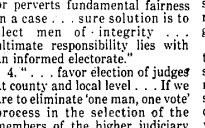
No personal financial statement was received.

"Criminal substantive and procedural law, constitutional issues, a simplified method of appeal in child custody and adoption cases."

"A update of the code... is certainly a step in the right direction... Its greatest strength is that it spells out with clarity areas in which the judiciary now moves so that all members know and understand what is and what is not permissible... closer control of contributions from attorneys... One weakness is the use of the word 'such as' inappropriately 'appropriated attire' which are subject to many different interpretations."

"A judge performing his duties in a manner that prevents or perverts fundamental fairness in a case... sure solution is to elect men of integrity... ultimate responsibility lies with an informed electorate."

"...favor election of judges at county and local level... If we eliminate one man vote process in the selection of the members of the higher judiciary... must safeguard the procedure... by providing input from labor, education, bar association, business, political parties."



Kaufman

**BERNARD L. KAUFMAN**, 45, of West Bloomfield, is married and the father of two children. A graduate of Wayne State University Law School, Kaufman is a partner in a Detroit law firm.

"I am perfectly willing to disclose the sources of my income... however I believe the matter of how much money I have earned from my sources of income is of a personal nature which does not add or distract from my performing the duties of the judicial office I am seeking... sole source of income from the law firm... a beauty shop of which my wife is a third owner," Kaufman said.

Kaufman said he expected to make a complete disclosure of campaign fund within 10 days of the primary. As of Tuesday no such statement had been received.

"...extent of police powers, latitude of judicial decisions and sentences, court procedures... issue of rights of victims of crime and sex and age... complicated legal questions stemming from the increased number of medical malpractice cases."

"...strength lies in trying to restore public confidence in the judiciary... weaknesses lie in the fact that judge... is given too much latitude in participating in quasi-judicial activities... no specific enough to plug loopholes with reference to donations."

"...a judge or a candidate for judicial office should refrain from political activity period... although... nonpartisan races... judges and candidates seek endorsements... established by public funds."

"Favors appointment of all state court judges... you could insure the selection of a 'nonpartisan' committee composed of members of legal community, general public with knowledge of the quality of the judicial candidates and of the court system."

**MICHAEL J. KELLY**, 45, of Bloomfield Hills, is married and the father of four children. A graduate of the University of Detroit Law School, Kelly is a practicing attorney and state special assistant attorney general.

Kelly did not submit a personal financial statement, or a campaign contributions and expenditure report.

"Delay at all stages, abuse of the plea bargaining process, public distrust of and lack of respect for our courts and judges, indignities of low wages and poor facilities especially to witnesses and jurors."

"...favorable... one step in an ongoing process toward making judicial campaigns and particularly financing more broadly exposed to the public."

"On the criminal side it is judicial consistency... the law to making a system effective is to convince everyone that justice will be consistent... prompt arrest, speedy trial and sufficient facilities for the accused found guilty."

"Absolutely not... no system has been devised which would sufficiently insure the appointment of independent yet compassionate judges... danger is the creation of an elitist group from which judges would be picked."

**YALE L. KERBY**, 49, of Adrian, is married and the father of three children. A graduate of the Ohio Northern University Law School, Kerby is a Lenawee County District Court judge.

In 1971, Kerby's adjusted gross income was \$22,703, in 1972 it was \$32,966 and in 1973 it was \$36,792. Among his major assets Kerby reported three rental properties—two homes in Morenci and an office building in Adrian.

Kerby said he would disclose his campaign expenses and contributions "well within the law" and as soon as possible. As of Tuesday, no report has been received.

Kerby submitted a copy of the Michigan Supreme Court proposed Code of Judicial Conduct and three pages of questions and answers, however, he did not return answers to the questions specifically posed by The Observer and Eccentric.

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Mikrut

**E. BOOMIE MIKRUT**, 57, of Lansing, is married and the father of four children. A graduate of Harvard Law School, Mikrut is a state assistant attorney general.

"My answer to your question on financial statements is yes," Mikrut said. However, he did not submit a financial report or a statement of when and if campaign contributions and expenditures would be disclosed.

"Prisoners' rights, appellate rights for indigents, the public defender system."

"...an improvement but it doesn't go far enough. It does tighten controls on campaign finances."

"Insufficient financing of the Judicial Tenure Commission. Proper funding and staff."

"No. The courts closest to the people should be chosen by the people."

**GEORGE E. MONTGOMERY**, of Warren, did not respond to the inquiry.

**MYRON F. POE**, 43, of Royal Oak, is married and the father of two children. A graduate of the University of Detroit Law School, Poe is an attorney, real estate broker and executive.

Poe is "most willing" to make available his personal financial statement and campaign contribution and expenditure information "at the moment my campaign expenses have been negligible and I have received no contributions."

"...too frequently usurping the functions of other branches of government. Our Court of Appeals must regain... its perspective as an appeals court in being a fair and compassionate interpreter of the law... the preoccupation of the appellate branch with criminal appeals to the detriment of the development of our civil law... judicial processes... have been severely damaged because of the lack of respect from the electorate."

"...inadequate in terms of today's realities... our Supreme Court has not seen fit to promulgate a judicial code requiring standards of conduct above reproach."

"The relationship a judge has with the legal community with which he is connected creates the kind of situation which portends the most serious problems... the real solution lies in a staunch and unbending personal moral and ethical code by each man who sits on the bench."

"I would favor appointing all appellate court judges... including Supreme Court bench... In the second judicial district... it is obvious that the average voter will not be well-informed as to the qualifications of each of 15 individuals... District court and circuit court benches, the backbone of our trial court system should remain within the elective process."

**FARRELL E. ROBERTS**, 52, of Bloomfield Hills, is married and the father of two children. Roberts is an Oakland County Circuit Court judge.

"If I survive the primary, check with me on my campaign expenses and contributions. I don't have the time now, I'm still trying to get an organization together. To date, contributions have been minimal," Roberts said.

"Major legal issues must be faced by the court of appeals as the cases are brought before it."

"...will help allay the fears of our citizens that our courts will not be subject to pressures. Therein lies its strength although it does make it easier for the independently wealthy candidates."

"A judge must seek to maintain a sense of strict intellectual honesty in all his cases."

"Yes. The present race for the two new seats on the court of appeals is a good example. How is the ordinary voter going to choose the two most qualified candidates from a field of 15?"

**EUGENE E. SORDYL**, 42, of Flint, is married and the father of five children. A graduate of the University of Detroit Law School, Sordyl is an attorney.

Sordyl did not submit a statement regarding his personal finances, campaign contributions and expenditures or the four-item questionnaire.

**THOMAS E. WOODS**, 32, of Lansing, a graduate of the University of Notre Dame and University of Michigan is the state senate general counsel, an attorney, in private practice and educator.

"I will make campaign and expense disclosures at any time during regular office hours. On June 6 I went on record that I will not accept any contributions from lawyers or lobbyists and no contributions from anyone else over \$100," Woods said.

Woods said that eight of the 15 candidates in this race are currently sitting judges. The American Bar Association Code "would give them the rights of an ordinary citizen including the right to privacy of their financial affairs... I wish to be treated in exactly the same manner... If they freely give up their right of privacy in this area I will too."

"Court reorganization including structural revision and modernization of management judicial ethics particularly in campaign conduct and non-judicial activities of a judge; a selection and retention procedures for judges and modern standards of criminal justice."

"...would be no net strengths, no redeeming social or political value... irreparable damage to the credibility of the judicial system... Weaknesses are... solicitation of lawyers... candidate may solicit or accept contributions or publicly state support as long as he doesn't use his present position improperly or make promises of future debts in return for them."

"Strength is... that it recognizes the unique position of a judge who can contribute to improving the law and the legal system... guidelines on a judge's partisan and other political activities."

"The role lawyers play in the campaigns of judges... the solution is to prohibit any cash or kind contributions... Favor the appointment of all state court judges if a system of selection and retention could be devised that would not merely substitute the politics of the bar and the governor's office and the legislature for that of the electorate. At least with the present system a young man has access."

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# Oakland County voters face 2 proposals

By SUSAN L. SILK

**OAKLAND COUNTY**—Two proposals on streamlining Oakland County government under full-time management will appear on the Aug. 6 ballot.

Recent released polling data indicates that county voters still remain unaware of the issue. County officials have expressed concern that the ballot wording may be confusing.

What follows is almost a step-by-step guide to making your vote count on these important proposals.

**"SHALL THE COUNTY OF OAKLAND ADOPT THE OPTIONAL UNIFIED FORM OF COUNTY GOVERNMENT?"**

A unified county government as recently permitted under new legislation, would abolish the three-member appointed board of audi-

tors and replace them with one full-time administrative position. The board of health, planning commission and the board of public works would be abolished and their functions would be consolidated under the board of commissioners, according to Public Act 189.

"No additional taxing powers or power over local government are involved."

Both the Oakland County Democratic Party and the Oakland County League of Women Voters have been campaigning for a "yes" vote on this issue.

The Oakland County Republican Party has taken no official stand. Chairman Sheldon Smith has stated however, that he personally will vote in favor of the streamlining move.

**WHETHER OR NOT** you favor the unifying of county government, do not fail to also vote on the second proposition.

Unifying county government permits a full-time administrator. The second proposal asks the voter to decide whether that full-time official should be elected by the county voters or appointed, within 60 days, by the board of commissioners.

As has been reported here previously, the present board of commissioners is made up of 18 Republicans and nine Democrats.

Among the duties of either the elected executive or appointed county manager would be the day-to-day supervision and coordination of county departments, informing the board of commissioners of the conduct of county affairs, preparation of an annual budget. In either form the admin-

istrator would also appoint and remove department heads, except elected officials, with concurrence of the commissioners.

**THE ELECTED** executive would run on a partisan ballot and would have veto power over all action of the board of commissioners. The board would need to

gather a vote to override the official.

The appointed manager serves at the pleasure of the board and would have no veto power.

YES NO  
THE FOLLOWING PROPOSAL PROVIDES THAT THE ELECTION OF THE COUNTY BOARD ADOPT A UNIFIED FORM OF COUNTY GOVERNMENT AS AUTHORIZED BY PUBLIC ACT 189 OF 1973. SHALL THE COUNTY OF OAKLAND ADOPT THE OPTIONAL UNIFIED FORM OF COUNTY GOVERNMENT AS AUTHORIZED BY PUBLIC ACT 189 OF 1973?

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VOTE FOR BOTH PROPOSALS  
SHALL THE COUNTY OF OAKLAND ADOPT THE OPTIONAL UNIFIED FORM OF COUNTY GOVERNMENT AS AUTHORIZED BY PUBLIC ACT 189 OF 1973? (For an optional unified form of county government as authorized by Act 189 of 1973, as amended.)

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