

Amendment would require experience for judges

By Tim Richard
staff writer

A lawyer would need at least five years experience before becoming a judge under a proposal before the Michigan House of Representatives. Voters would have to amend the state Constitution before the plan could take effect. Two other key provisions:

- The state Senate would confirm all judicial appointments made by the governor, as the U.S. Senate confirms the president's judicial appointments.

- The requirement that no one 70 or older could be elected or appointed to the bench would be removed.

"A cluttered ballot leads to rejection," said Sen. Jack Faxon, D-Farmington Hills, who opposed the measure when the Senate approved it in November and predicted its ultimate defeat.

SUPPORTING IT on a 26-8 vote were Republicans Michael Bouchard of Birmingham, Mat Dunaskias of Lake Orion and David Honigman of West Bloomfield, and Democrat George Z. Hart of Dearborn. Opposed were Democrats Faxon and William Faust, D-Westland.

Robert Geake, R-Northville, had an excused absence.

The proposal — SJR B — started life as a simple requirement to require that "a person shall have been admitted to the practice of law for at least five years" before being eligible for any judgeship — Supreme Court, Court of Appeals, circuit, probate or district court.

"I oppose advice and consent (for judicial appointments)," Faxon said. "It opens up the opportunity for senators to push their own people."

He added that a gubernatorial appointment is placed before voters at the next election. In contrast, presidential appointees serve for life.

"We shouldn't change the Michigan Constitution unless there's a compelling need," Faxon added.

SEN. LANA Pollack, D-Ann Arbor, defended the current 70-years age limit for new terms. "After they retire, they can continue to serve as

visiting judges," she said.

But Pollack disliked the requirement of five years experience for new judges. "I know of no study that ties services as an attorney to service on the bench," she said.

Supporters of the measure said little, knowing they had the votes to prevail.

Generally, lawyers say a judge needs trial court experience to see through the courtroom tricks of older lawyers.

The idea of Senate confirmation is popular because, in some counties, half or two-thirds of the judges got their jobs through gubernatorial appointment. Since judges have an "incumbent" label on the ballot, they are rarely challenged, let alone defeated.

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